

08/06/08

**S-1**

KHM

Sponsor: Larry Gossett

Proposed  
No.: 2008-0128

**STRIKING AMENDMENT TO PROPOSED ORDINANCE 2008-0128, VERSION**

**1**

On page 4, beginning on line 85, strike everything through page 261, line 4740, and  
insert:

“SECTION 1. Ordinance 1488, Section 2, as amended, and K.C.C. 16.82.010 are  
each hereby amended to read as follows:

A. This chapter is intended to regulate clearing and removal of vegetation,  
excavation, grading and earthwork construction including cuts and fills, gravel pits,  
dumping, quarrying and mining operations within King County in order to protect public  
health, safety and welfare by:

1. Minimizing adverse stormwater impacts generated by the removal of  
vegetation and alteration of landforms;

2. Protecting water quality from the adverse impacts associated with erosion and  
sedimentation;

3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal  
of vegetation;

4. Protecting sensitive areas from adverse clearing and grading activities;

- 18           5. Facilitating and encouraging long term forest practice and agricultural  
19 production operations where appropriate;
- 20           6. Minimizing the adverse impacts associated with materials processing,  
21 quarrying and mining operations;
- 22           7. Preventing damage to property and harm to persons caused by excavations  
23 and fills;
- 24           8. Establishing administrative procedures for the issuance of permits, approval  
25 of plans, and inspection of clearing and grading operations; and
- 26           9. Providing penalties for the violation of this chapter.

27           B. This chapter establishes the administrative procedure for issuance of permits,  
28 provides for approval of plans and inspection of clearing and grading operations, and  
29 provides for penalties for the violation of this chapter.

30           SECTION 2. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are  
31 each hereby amended to read as follows:

32           Certain words and phrases used in this chapter, unless otherwise clearly indicated  
33 by their context, mean as follows:

34           A. "Applicant" means a property owner or a public agency or public or private  
35 utility that owns a right-of-way or other easement or has been adjudicated the right to  
36 such an easement in accordance with RCW 8.12.090, or any person or entity designated  
37 or named in writing by the property or easement owner to be the applicant, in an  
38 application for a development proposal, permit or approval.

39           B. "Bench" means a relatively level step excavated or constructed on the face of a  
40 graded slope surface for drainage and maintenance purposes.

41 C. "Civil engineer" means an engineer who is licensed as a professional engineer  
42 in the branch of civil engineering by the state of Washington.

43 D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or  
44 other organic material by physical, mechanical, chemical or any other similar means.

45 E. "Compaction" means the densification of a fill by mechanical means.

46 F. "Cutting" means the severing of the main trunk or stem of woody vegetation at  
47 any point.

48 G. "Department" means the department of development and environmental  
49 services.

50 H. "Director" means the director of the department of development and  
51 environmental services or the director's designee.

52 I. "Earth material" means any rock, natural soil or any combination thereof.

53 J. "Erosion" means the wearing away of the ground surface as the result of the  
54 movement of wind, water or ice.

55 K. "Excavation" means the removal of earth material.

56 L. "Fill" means a deposit of earth material or recycled or reprocessed waste  
57 material consisting primarily of organic or earthen materials, or any combination thereof,  
58 placed by mechanical means.

59 M. "Geotechnical engineer" means an engineer who is licensed as a professional  
60 engineer by the state of Washington and who has at least four years of relevant  
61 professional employment.

62 N. "Grade" means the elevation of the ground surface.

63 1. "Existing grade" means the grade before grading.

2. "Finish grade" means the final grade of the site that conforms to the approved plan as required in K.C.C. 16.82.060.

3. "Rough grade" means the stage at which the grade approximately conforms to the approved plan as required in K.C.C. 16.82.060.

O. "Grading" means any excavating, filling, or removing of the duff layer, or combination thereof.

P. "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.

Q. "Reclamation" means the final grading and restoration of a site to establish the vegetative cover, soil surface water and groundwater conditions appropriate to accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

R. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.

S. "Site" means a single lot or parcel of land two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this chapter. For purposes of this definition:

1. "Documented legal control" includes fee simple or leasehold rights, or an easement (~~((retained at the time of transfer over lands previously owned by the holder of the easement))~~), or any combination thereof, which allows uses associated with the overall development proposal; and

2. Lots that are separated only by a public road right-of-way shall be considered to be contiguous.

87 T. "Slope" means inclined ground surface, the inclination of which is expressed  
88 as a ratio of horizontal distance to vertical distance.

89 U. "Structural engineer" means an engineer who is licensed as a professional  
90 engineer in the branch of structural engineering by the state of Washington.

91 V. "Structure" means that which is built or constructed, an edifice or building of  
92 any kind or any piece of work artificially built up or composed of parts jointed together in  
93 some definite manner.

94 W. "Tree" means a large woody perennial plant usually with a single main stem  
95 or trunk and generally over twelve feet tall at maturity.

96 X. "Understory" means the vegetation layer of a forest that includes shrubs,  
97 herbs, grasses and grass-like plants, but excludes native trees.

98 Y. "Vegetation" means any organic plant life growing at, below or above the soil  
99 surface.

100 SECTION 3. Ordinance 15053, Section 3 and K.C.C. 16.82.051 are each hereby  
101 amended to read as follows:

102 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06  
103 apply to the activities described in this section.

104 B. The following activities are excepted from the requirement of obtaining a  
105 clearing or grading permit before undertaking forest practices or clearing or grading  
106 activities, as long as those activities conducted in critical areas are in compliance with the  
107 standards in this ~~((section))~~ chapter and in K.C.C. ~~((21A.24.045))~~ chapter 21A.24. In  
108 cases where an activity may be included in more than one activity category, the most-  
109 specific description of the activity shall govern whether a permit is required. For

- 110 activities involving more than one critical area, compliance with the conditions applicable
- 111 to each critical area is required. Clearing and grading permits are required when a cell in
- 112 this table is empty and for activities not listed on the table.

KEY	O	A	C	E	F	C	L	A	S	V	S	H	C	R	W	A	A	W	A
"NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	U	R	O	R	L	H	A	N	E	O	T	A	R	E	E	Q	N	I	N
	T	E	A	O	O	A	N	D	I	L	E	Z	I	C	T	U	D	L	D
	O	A	L	S	O	N	N	D	S	C	E	A	T	H	L	A	B	L	N
	F	A	M	O	N	E	L	U	I	A	P	R	I	A	A	I	U	I	E
	C	D	N	N	H	L	I	F	C	I	S	A	C	R	N	C	F	F	T
	R	E	H	Z	M	E	E	H	A	H	O	N	A	A	A	A	R	E	O
	I	B	A	Z	I	G	R	A	Z	A	P	D	Q	R	N	E	A	A	R
	T	U	H	A	R	D	H	A	Z	A	E	B	U	I	A	A	R	E	K
	I	F	A	Z	R	A	A	Z	A	A	B	U	I	A	B	E	A	A	A
	C	F	Z	R	A	T	A	A	D	A	F	F	F	E	B	A	A	A	A
	A	E	A	D	I	O	N	D	D	D	E	R	E	R	F	F	F	F	F
	L	R	R	D	O	N	D	D	D	D	E	R	E	R	F	F	F	F	F
	D	D	D	D	D	D	D	D	D	D	E	R	E	R	F	F	F	F	F
ACTIVITY																			
Grading and Clearing																			
Grading	NP	NP	NP	NP				NP	NP			NP							
	1, 2	1, 2	1, 2					1, 2	1, 2			1, 2							
Clearing	NP 3	NP 3	NP 3	NP 3				NP 3	NP 3			NP 3	NP 4	NP 4					
	NP												NP	NP					
	24												23	23					
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7			NP 7	NP 7			NP 7	NP 8	NP 8	NP 8				
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9

Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			

Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
<b>Agriculture</b>													



Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
<b>Other</b>													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

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C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005 or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after the effective date of this ordinance. For purposes of this subsection C.2., "new impervious surface" (~~is~~) and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:

- a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- b. in a critical drainage areas established by administrative rules;
- c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
- d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.

4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

- 137           7. Cumulative clearing of less than seven thousand square feet annually or  
138 conducted in accordance with an approved farm management plan, forest management  
139 plan or rural stewardship plan.
- 140           8. Cumulative clearing of less than seven thousand square feet and either:  
141           a. conducted in accordance with a farm management plan, forest management  
142 plan or a rural stewardship plan; or  
143           b. limited to removal with hand labor.
- 144           9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and  
145 Title 222 WAC.
- 146           10. If done in compliance with K.C.C. 16.82.065.
- 147           11. Only when conducted by or at the direction of a government agency in  
148 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates  
149 less than two thousand square feet of new impervious surface on a single site added after  
150 January 1, 2005 and is not within or does not directly discharge to an aquatic area or  
151 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in  
152 K.C.C. 9.04.020.
- 153           12. Limited to clearing conducted by or at the direction of a government agency  
154 or by a private utility that does not involve:  
155           a. slope stabilization or vegetation removal on slopes; or  
156           b. ditches that are used by salmonids.
- 157           13. In conjunction with normal and routine maintenance activities, if:  
158           a. there is no alteration of a ditch or aquatic area that is used by salmonids:

159               b. the structure, condition or site maintained was constructed or created in  
160 accordance with law; and

161               c. the maintenance does not expand the roadway, lawn, landscaping, ditch,  
162 culvert or other improved area being maintained.

163               14. If a culvert is used by salmonids or conveys water used by salmonids and  
164 there is no adopted farm management plan, the maintenance is limited to removal of  
165 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization  
166 of the area within three feet of the culvert where the maintenance disturbed or damaged  
167 the bank or bed and does not involve the excavation of a new sediment trap adjacent to  
168 the inlet.

169               15. If used by salmonids, only in compliance with an adopted farm plan in  
170 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

171               a. The King Conservation District;

172               b. King County department of natural resources and parks;

173               c. King County department of development and environmental services; or

174               d. Washington state Department of Fish and Wildlife.

175               16. Only if consistent with an adopted farm plan in accordance with K.C.C.

176 Title 21A.

177               17. Only if:

178               a. consistent with a farm plan in accordance with K.C.C. Title 21A; or

179               b. conducted in accordance with best management practices in the Natural

180 Resource Conservation Service Field Office Technical Guide.

181               18. In accordance with a franchise permit.

182 19. Only within the roadway in accordance with a franchise permit.

183 20. ~~((Allowed if))~~ When:

184 a. conducted by a public agency;

185 b. the height of the facility is not increased;

186 c. ~~((there is no linear extension))~~ the linear length of the facility ~~((from the~~

187 ~~existing conditions))~~ is not increased;

188 ~~((e. there is no))~~ d. the footprint of the facility is not expanded waterward

189 ~~((extension of the facility from the existing conditions));~~

190 ~~((e.))~~ e. done in accordance with the Regional Road Maintenance Guidelines;

191 ~~((e.))~~ f. done in accordance with the adopted King County Flood Hazard

192 ~~((Reduction))~~ Management Plan and ~~((Washington state))~~ the Integrated Streambank

193 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);

194 and

195 f. monitoring is conducted for three years following maintenance or repair and

196 an annual report is submitted to the department.

197 21. Only if:

198 a. the activity is not part of a mitigation plan associated with another

199 development proposal or is not corrective action associated with a violation; and

200 b. the activity is sponsored or co-sponsored by a public agency that has natural

201 resource management as its primary function or a federally-recognized tribe, and the

202 activity is limited to:

203 (1) revegetation of the critical area and its buffer with native vegetation or the

204 removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;

(3) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

22. If done with hand equipment and does not involve any clearing.

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

SECTION 4. Ordinance 14259, Section 4 and K.C.C. 16.82.052 are each hereby amended to read as follows:

A. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing

stockpiles of previously mined materials for the reclamation of land to its best use,  
consistent with the underlying zoning.

~~((A.))~~ B. The department of development and environmental services shall  
consider the effect of the proposed operation on the county road system and any effect it  
may have on surface or groundwater drainage and flood control, and shall make such  
recommendations as are necessary to protect the public interest in this regard.

~~((B.))~~ C. The department of development and environmental services shall also  
consider the effect of the proposed operation on the current and future land use in the area  
affected by the proposed operation and shall condition permits as necessary to protect the  
public interest in this regard. Temporary permits are good for the life of the contract of  
the specific job but must be reviewed annually. Each temporary permit~~((s))~~ site shall be  
fully restored during the term of the temporary permit, unless the site is subsequently  
designated with an M zone classification~~((, or included in an unclassified use permit.~~

~~C. Development proposals will be subject to two levels of review standards based  
on occupancy types, critical facilities and standard structures. The review standards for  
critical facilities will be based on larger earthquake reoccurrence intervals than the  
earthquakes considered for standard occupancy structures. The review standards will be  
set forth in the administrative rules)).~~

SECTION 5. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are  
each hereby amended to read as follows:

A person conducting a grading activity shall comply with the following standards:

A. Cuts and fills shall conform to the following provisions unless otherwise  
approved by the department:

- 250           1. A slope of cut and fill surfaces shall not be steeper than is safe for both the  
251 intended use and soil type and shall not exceed two horizontal to one vertical;
- 252           2. All disturbed areas including faces of cuts and fill slopes shall be prepared  
253 and maintained to control erosion in compliance with K.C.C. 16.82.095;
- 254           3. The ground surface shall be prepared to receive fill by removing unsuitable  
255 material such as concrete slabs, tree stumps, brush, car bodies and other materials as  
256 determined by the department;
- 257           4. Except in an approved sanitary landfill or as part of engineered fill, fill  
258 material shall meet the following standards:
- 259               a. Fill material shall consist of earthen material, organic material or recycled or  
260 reprocessed materials that are not categorized as dangerous waste under Title 173 WAC  
261 and that were produced originally from an earthen or organic material;
- 262               b. Fill material shall have a maximum dimension of less than twelve inches;
- 263               c. Recycled concrete shall be free of rebar and other materials that may pose a  
264 safety or health hazard;
- 265               d. Recycled asphalt shall not be used in areas subject to exposure to seasonal  
266 or continual perched ground water, in a critical aquifer recharge area or over a sole-  
267 source aquifer; and
- 268               e. Recycled materials that have not been reprocessed to meet the definition of  
269 common borrow shall be intermixed with well-graded, natural, earthen materials in  
270 sufficient quantities and of a suitable size to assure filling of all voids and to assure that  
271 the fill can be compacted to ninety percent of the maximum density;
- 272           5. Provisions shall be made to:



a. prevent any surface water or seepage from damaging the cut face of any excavation or the sloping face of a fill; and

b. address any surface water that is or might be concentrated as a result of a fill or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the Surface Water Design Manual;

6. Benches and any swales or ditches on benches shall be designed in accordance with the King County Surface Water Design Manual;

7. The tops and the toes of cut and fill slopes shall be set back from property boundaries and structures as far as necessary:

- a. for the safety of the adjacent properties;
- b. for adequacy of foundation support;
- c. to prevent damage resulting from water runoff or erosion of the slopes; and
- d. to preserve the permitted uses on the adjacent properties; and

8. All fill shall meet the following:

a. Fill greater than three feet in depth shall be engineered and compacted to accommodate the proposed use unless a notice on title documenting the location of the fill is recorded and the fill is sufficiently stable to not pose a hazard; and

b. Any fill in the floodplain shall, from the face of the fill to a horizontal distance of six feet back from the face, meet the compaction requirements for pond embankments in the Surface Water Design Manual, unless determined by the department that inundation is not a threat to fill integrity or that other requirements necessary for compliance with the King County Guidelines for Bank Stabilization (Surface Water Management 1993) are met.

296 B. Access roads to grading sites shall be:  
297 1. Maintained and located to the satisfaction of the King County department of  
298 transportation to minimize problems of dust, mud and traffic circulation;  
299 2. Located where the permanent access to the site is proposed in the permit  
300 application to minimize site disturbance; and  
301 3. Controlled by a gate when required by the department.

302 C. Signs warning of hazardous conditions, if determined by the department to  
303 exist on a particular site, shall be affixed at locations as required by the department.

304 D. Where required by the department, to protect life, limb and property, fencing  
305 shall be installed with lockable gates that must be closed and locked when not working  
306 on the site. The fence shall be no less than six feet in height and the fence material shall  
307 have no opening larger than two inches.

308 E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site  
309 in the course of permitted activities shall not be spilled onto or otherwise left on public  
310 roadways or any off-site property not specifically authorized as a receiving site under a  
311 valid permit.

312 F. The duff layer and native topsoil shall be retained in an undisturbed state to the  
313 maximum extent practicable. Any duff layer or topsoil removed during grading shall be  
314 stockpiled on-site in a designated, controlled area not adjacent to public resources and  
315 critical areas. The material shall be reapplied to other portions of the site where feasible.

316 G.1. Except as otherwise provided in subsection G.2. of this section, areas that  
317 have been cleared and graded shall have the soil moisture holding capacity restored to  
318 that of the original undisturbed soil native to the site to the maximum extent practicable.

The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and October 1. ~~((Replaced))~~ The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site. ~~((Replaced))~~ The topsoil layer shall have an organic matter content of between ~~((eight to thirteen))~~ five to ten percent dry weight and a pH suitable for the proposed landscape plants. When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of “composted materials” in WAC 173-350-220.

2. This subsection does not apply to areas that:

- a. Are subject to a state surface mine reclamation permit; or
- b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 16.82 a new section to read as follows:

A property owner who controls two or more adjacent lots subject to clearing limits under K.C.C. 16.82.150 may relocate the area that is required to remain undeveloped on each individual lot into a single location on one or more of the lots as follows:

- A. The total area subject to clearing limits shall not be decreased;
- B. Areas within critical areas and critical area buffers cannot be relocated;

C. The relocated area shall be situated in a manner that minimizes fragmentation of wildlife habitat and maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils;

D. The relocated area is subject to the provisions of this chapter governing allowable activities within areas subject to clearing limits; and

E. The property owner shall record a notice on title that identifies the relocated area subject to the clearing limits.

SECTION 7. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150 are each hereby amended to read as follows:

A. Except as otherwise provided in this section, in the RA zone the following standards apply to clearing on individual lots:

1. For lots one and one-quarter acre or smaller:

a. clearing shall not exceed the greater of:

(1) the amount cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

(2) fifty percent of the lot area; or

(3) seven thousand square feet.

b. any clearing required for the construction of access, utilities and septic systems shall not be counted towards the amount of clearing allowed under this subsection;

364           2. For lots greater than one and one-quarter acres and up to fives acres in area,  
365 clearing shall not exceed the greater of:

366           a. the amount legally cleared before January 1, 2005, or cleared under a  
367 complete clearing permit application filed before October 25, 2004, in accordance with  
368 previous county regulations; or

369           b. fifty percent of lot area;

370           3. For lots greater than fives acres, clearing shall not exceed the greater of:

371           a. the amount legally cleared before January 1, 2005, or cleared under a  
372 complete clearing permit application filed before October 25, 2004, in accordance with  
373 previous county regulations;

374           b. two and one-half acres, or

375           c. thirty-five percent of lot area; and

376           4. For lots greater than one and one-quarter acre in either the Bear Creek basin,  
377 the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater  
378 of:

379           a. the amount legally cleared before January 1, 2005, or cleared under a  
380 complete clearing permit application filed before October 25, 2004, in accordance with  
381 previous county regulations; or

382           b. thirty-five percent of lot area;

383           B. The standards in subsection A. of this section shall not apply if more  
384 restrictive standards apply through:

385           1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

386           2. Property-specific development standards or special district overlays under  
387   K.C.C. chapter 21A.38; or

388           3. Critical drainage area designations identified by adopted public rule.

389           C.1. If there is an approved and current rural stewardship plan or farm  
390   management plan under K.C.C. chapter 21A.24, the maximum amount of clearing  
391   allowed under this section is established by the rural stewardship plan or the farm  
392   management plan;

393           2. Subsection A. of this section does not apply to a lot within a subdivision or  
394   short subdivision:

395           a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or

396           b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved  
397   with clearing restrictions in accordance with this section as it existed prior to January 1,  
398   2005;

399           3. On a lot within a subdivision or short subdivision that is not covered by  
400   subsection C.2. of this section, any land located in an open space tract created as part of  
401   the subdivision or short subdivision shall be credited to the individual lots in the  
402   subdivision or short subdivision on a prorated basis according to the size of each lot in  
403   relation the entire area of the subdivision or short subdivision;

404           4. The area within ((~~critical areas and critical area~~)) landslide or steep slope  
405   hazard areas, wetlands, aquatic areas and the buffers((~~, except for critical aquifer recharge~~  
406   ~~areas,~~)) for these critical areas may be counted towards meeting the requirements of  
407   subsection A. of this section;

408           5. Clearing in areas encumbered by a utility corridor, or easement for a public  
409 road or trail rights-of-way or an access easement shall not be counted toward the cleared  
410 area limit;

411           6. Clearing standards for mining uses shall be determined through the clearing  
412 and grading permit review process; and

413           7. Clearing that is the minimum necessary to provide for the relocation of  
414 equestrian community trails shall not be counted towards the cleared area limit.

415           D. The director may modify or wave subsection of this section for a development  
416 proposal that meets the following conditions:

417           1. The development proposal consists of one or more of the following uses:

418               a. government services listed in K.C.C. 21A.08.060;

419               b. educational services listed in K.C.C. 21A.08.050;

420               c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or  
421 proposed school;

422               d. libraries listed in K.C.C. 21A.08.040; and

423               e. road projects that are not part of a larger development proposal;

424           2. The development proposal site is not located in a designated regionally  
425 significant resource area, except for utility or road corridors for which the applicant  
426 demonstrate that there is no feasible alternative or that the development proposal is  
427 within an existing maintained corridor. If only a portion of the project is located within a  
428 designated regionally significant resource area, this subsection applies to that portion of  
429 the project located outside of the designated regionally significant resource area; and

430           3. To the maximum extent practical, the project locates structures in already  
431 cleared areas of the site and clears the minimum necessary to accommodate the proposed  
432 use which includes all the allowed ballfields, playfields, other facilities, and spaces  
433 proposed by the public agency to carry out its public function.

434           E. The standards of this section shall be established at the time of permit  
435 application. The area required to remain uncleared shall be designated on the site plan  
436 approved by the department.

437           F. Areas that are required to remain uncleared under this section shall be  
438 maintained by the property owner as a resource area. The uses permitted in the resource  
439 area shall not prevent the long-term purpose of the resource area to promote forest cover  
440 and shall include uses such as:

441           1. Except in areas regulated by a source described in subsection B.3. of this  
442 section, forest practices in accordance with a county-approved forest management plan;

443           2. Passive recreation uses and related facilities, including pedestrian, equestrian  
444 community and bicycle trails, nature viewing areas, fishing and camping areas, and other  
445 similar uses that do not require permanent structures, if:

446           a. clearing and soil compaction associated with these uses and facilities does  
447 not exceed eight percent of the area of the resource area; and

448           b. within wildlife habitat corridors, trail widths shall be the minimum allowed  
449 under adopted trail standards and no other recreation uses shall be permitted in an area of  
450 the corridor at least one hundred fifty feet in width;



451           3. Utilities and utility easements, including surface water facilities, if the  
452 facilities are within or adjacent to existing road or utility easements to the maximum  
453 extent practical;

454           4. Pruning or removing hazard trees or removing downed trees;

455           5. Reducing the danger from wildfire by following best management practices  
456 approved by the King County fire marshal;

457           a. removal of limbs within ten feet of the ground to prevent movement of fire  
458 from ground level to treetops; and

459           b. removal of dead trees or branches overhanging a residence; and

460           6. Removal of noxious or invasive vegetation.

461           G. Before approving a development permit application for a parcel that has been  
462 cleared in violation of the clearing standards in effect at the time of the clearing, the  
463 department shall require the applicant submit to the department and implement a  
464 restoration plan to restore trees, understory vegetation and soil to support and maintain  
465 the native vegetative cover on the percentage of the site that was to remain uncleared  
466 under this section. If the clearing is in violation of the six-year moratorium on permitting  
467 established in K.C.C. 16.82.140, the department may determine whether the restoration  
468 plan is sufficient to mitigate for the impacts resulting from the clearing violation.

469           SECTION 8. Ordinance 15053, Section 15 and K.C.C. 16.82.152 are each hereby  
470 amended to read as follows:

471           A. Except as otherwise provided in this section, the following standards apply to  
472 clearing allowed in subdivisions and short subdivisions in the RA zone:

1. Clearing shall not exceed thirty-five percent of the area of the subdivision and short subdivision; and

2. The area remaining uncleared shall be:

a. shown on the face of the recorded plat map to delineate where the uncleared area is to remain on each lot; and

b. marked with at least one sign per buildable lot adjoining the area indicating that the area is a permanent resource management area.

B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:

1. Property-specific development standards pursuant to K.C.C. chapter 21A.38;

or

2. Critical drainage area designations identified by adopted administrative rule.

C. If sixty-five percent or more of the site is ~~((in critical areas and critical area buffers))~~ set aside in a critical area tract as required under K.C.C. chapter 21A.24, this section does not apply.

D. Clearing to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.

E. The department may allow an increase in the amount of clearing up to fifty percent of the site area of a subdivision or short subdivision if the area to remain uncleared:

1. Is placed in a separate resource tract that is:

a. separately identified from critical area tracts on the face of the recorded plat map; and

b. retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party;

2. Is situated in a manner that minimizes fragmentation of wildlife habitat or that maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils; and

3. Complies with either of the following:

a. A reforestation plan for the tract is approved and implemented, if the tract has been legally harvested, or

b. One or more of the following habitats is preserved that is not contained within another critical area or critical area buffer:

(1) cave;

(2) old-growth forest;

(3) mature forest;

(4) area that has an abundance of snags;

(5) talus slope;

(6) breeding habitat for a species that the county should protect under the King County Comprehensive Plan;

(7) foraging habitat for any species that the county shall protect or should protect under the King County Comprehensive Plan; or

(8) a vegetated corridor that connects critical areas, priority habitat areas, designated regionally or locally significant resource areas, and other areas of high wildlife value.

F. The approval of a subdivision or short subdivision application for a parcel that has been cleared in violation of the regulations in effect at the time of the clearing shall require the restoration of trees, understory vegetation and soil to support and maintain native vegetation cover on the percentage of the site that was to remain uncleared under this section. The applicant shall submit to the department a restoration plan. If the clearing is in violation of the six-year moratorium on permitting authorized in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation.

G. The ~~((uses permitted within a resource land tract))~~ area required to remain uncleared under this section shall be ~~((limited))~~ maintained as a resource area as provided in K.C.C. 16.82.150.F.

SECTION 9. Ordinance 13694, Section 2 and KCC 19A.08.170 are each hereby amended to read as follows:

**Violations and enforcement.** Any person or entity who violates any provision of this title or sells or transfers lots, tracts or parcels that are not created consistent with this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of K.C.C. Title 23.

SECTION 10. Ordinance 13694, Section 51 and K.C.C. 19A.08.160 are each hereby amended to read as follows:

A. Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, except that the director may allow posting of a financial guarantee in the event that expiration of the plat

or short plat is imminent or other extraordinary circumstances prevent the construction of such improvements.

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;

2. Water mains and hydrant installed and fire flow available, if required;

3. Roadways graded to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;

4. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion prior to plat recording;

5. Delineation of sensitive areas that are to remain undeveloped;

6. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt; ~~((and))~~

7. Improvements without which the director determines a safety hazard would exist; and

8. All private improvements outside of the right-of-way or road easement.

B. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A of this section.

NEW SECTION. SECTION 11. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Environmental education project: A project that facilitates learning where the emphasis is placed on relationships between people and natural resources.

Environmental education projects include, but are not limited to:

- A. Bird blinds;
- B. Observation decks;
- C. Boardwalks; and
- D. Signs or kiosks

SECTION 12. Ordinance 10870, Section 138, as amended, and K.C.C. 21A.06.490 are each hereby amended to read as follows:

Flood protection elevation: an elevation that is ~~((one foot))~~ three-feet above the base flood elevation.

SECTION 13. Ordinance 15051, Section 64 and K.C.C. 21A.06.578 are each hereby amended to read as follows:

Habitat, fish: habitat that is used by ~~((fish))~~ anadromous or resident salmonids at any life stage at any time of the year including potential habitat likely to be used by ~~((fish))~~ anadromous or resident salmonids. "Fish habitat" includes habitat that is upstream of, or landward of, human-made barriers that could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.

NEW SECTION. SECTION 14. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Paintball. A sport in which participants eliminate opponents from play by hitting them with paintballs shot from a compressed-gas-powered paintball gun.

586            SECTION 15. Ordinance 10870, Section 259 and K.C.C. 21A.06.1095 are each  
587 hereby amended to read as follows:

588            Sign, changing message center: an electrically controlled sign that contains  
589 advertising messages ~~((which))~~ that changes ~~((at intervals of))~~ more frequently than once  
590 every three minutes ~~((or greater))~~.

591            SECTION 16. Ordinance 15051, Section 86 and K.C.C. 21A06.942 are each  
592 hereby amended to read as follows:

593            Public road right-of-way structure: the existing, maintained, improved road right-  
594 of-way or railroad or light rail transit prism and the roadway drainage features including  
595 ditches and the associated surface water conveyance system, flow control and water  
596 quality treatment facilities and other structures that are ancillary to those facilities  
597 including catch-basins, access holes and culverts.

598            SECTION 17. Ordinance 15051, Section 100 and K.C.C. 21A.06.1182 are each  
599 hereby amended to read as follows:

600            Slope: an inclined ground surface, the inclination of which is expressed as a ratio  
601 of ~~((vertical))~~ horizontal distance to ~~((horizontal))~~ vertical distance.

602            SECTION 18. (Ordinance 10870, Section 297 and K.C.C. 21A.06.1285 are each  
603 hereby amended to read as follows:

604            Trails: man-made pathways designed and intended for use by pedestrians,  
605 bicyclists, equestrians, and~~((or))~~ other non-motorized recreational users.

606            SECTION 19. Ordinance 10870, Section 330, as amended, and K.C.C.  
607 21A.08.030 are each hereby amended to read as follows:

608            A. Residential land uses.

KEY		Z	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use	A		F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use	G		O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	R		R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O		I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
	L			L			E		N	O	S	I	S	A	S		R
	T								T	R	S	T	S	L	S		I
	U								I	H		Y					A
	R								A	O							L
	E								L	O		D					
SIC	SPECIFIC	A	F	M	RA	UR	R1-	R12-	NB	CB	RB	O	I				
#	LAND USE						8	48									
DWELLING																	
UNITS,																	
TYPES:																	
*	Single Detached	P	P2		P	P C13	P	P	P17								
		C13			C13		C13	C13									
*	Townhouse				C4	C4	P	P	P3	P3	P3	P3					
							C12										
*	Apartment				C4	C4	P5	P	P3	P3	P3	P3					
							C4										
*	Mobile Home				S14		C8	P									
	Park																
*	Cottage						C16										
	Housing																
GROUP																	
RESIDENCES:																	



*	Community Residential Facility-I				C	C	P15 P C	P3	P3	P3	P3
*	Community Residential Facility-II						P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6 P				
*	Senior Citizen Assisted Housing					P4	P4 P	P3	P3	P3	P3
	<b>ACCESSORY USES:</b>										
*	Residential Accessory Uses	P7 P18	P7		P7	P7	P7 P7	P7	P7	P7	P7
*	Home Occupation	P	P		P	P	P P	P	P	P	P
*	Home Industry	C			C	C	C				
	<b>TEMPORARY LODGING:</b>										
7011	Hotel/Motel (1)								P	P	P
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10 P10	P10	P11	P11	
7041	Organization Hotel/Lodging Houses									P	

<b>GENERAL</b>	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;
<b>CROSS</b>	Development Standards, see K.C.C. chapters 21A.12 through 21A.30;
<b>REFERENCES:</b>	General Provisions, see K.C.C. chapters 21A.32 through 21A.38;
	Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;
	(*)Definition of this specific land use, see K.C.C. chapter 21A.06.

- 609           B. Development conditions.
- 610           1. Except bed and breakfast guesthouses.
- 611           2. In the forest production district, the following conditions apply:
- 612           a. Site disturbance associated with development of any new residence shall be
- 613 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 614 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 615 disposal systems and driveways. Additional site disturbance for agriculture, including
- 616 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 617 approved only if a farm management (conservation) plan is prepared in accordance with
- 618 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal
- 619 care and not the total area of the lot;
- 620           b. A forest management plan shall be required for any new residence in the
- 621 forest production district, which shall be reviewed and approved by the King County
- 622 department of natural resources and parks prior to building permit issuance; and
- 623           c. The forest management plan shall incorporate a fire protection element that
- 624 includes fire safety best management practices developed by the department.
- 625           3. Only as part of a mixed use development subject to the conditions of K.C.C.
- 626 chapter 21A.14, except that in the NB zone on properties with a land use designation of
- 627 commercial outside of center (CO) in the urban areas, stand-alone townhouse

developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

4.a. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

b. In the R-1 zone, apartment units are permitted, provided that:

(1) The proposal shall be subject to a conditional use permit when exceeding base density,

(2) At least fifty percent of the site is constrained by unbuildable sensitive areas. For purposes of this section, unbuildable sensitive areas shall include wetlands, streams and slopes forty percent or steeper and associated buffers; and

(3) The density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

c. In the R-4 through R-8 zones, apartment units are permitted, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

5. Apartment units are permitted outright as follows:

a. In the R-1 zone when at least fifty percent of the site is constrained by unbuildable sensitive areas which for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

b. In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

6. Only as an accessory to a school, college, university or church.

7.a. Accessory dwelling units:

(1) Only one accessory dwelling per primary single detached dwelling unit;

(2) Only in the same building as the primary dwelling unit on an urban lot that is less than ~~((ten))~~ five thousand square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(3) The primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4)(a) Except as otherwise provided in this subsection B.7.a(4)(b) of this section. ~~((Θ))~~ one of the dwelling units shall not exceed a floor area of one thousand square feet except when one of the dwelling units is wholly contained within a basement or attic ~~((, and))~~;

(b) On a site zoned RA, if a transferable development right is purchased under K.C.C. Chapter 21A.27, the maximum floor area of the smaller of the dwelling units shall not exceed a floor area of one thousand five hundred square feet; and

(c) When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each street side of the building;

(5) One additional off-street parking space shall be provided;

(6) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

672 (7) An applicant seeking to build an accessory dwelling unit shall file a notice  
673 approved by the department of executive services, records, elections and licensing  
674 services division, which identifies the dwelling unit as accessory. The notice shall run  
675 with the land. The applicant shall submit proof that the notice was filed before the  
676 department shall approve any permit for the construction of the accessory dwelling unit.  
677 The required contents and form of the notice shall be set forth in administrative rules. If  
678 an accessory dwelling unit in a detached building in the rural zone is subsequently  
679 converted to a primary unit on a separate lot, neither the original lot or the new lot may  
680 have an additional detached accessory dwelling unit constructed unless the lot is at least  
681 twice the minimum lot area required in the zone; and

682 (8) Accessory dwelling units and accessory living quarters are not allowed in  
683 the F zone.

684 b. One single or twin engine, noncommercial aircraft shall be permitted only  
685 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
686 or landing field, provided there is:

687 (1) no aircraft sales, service, repair, charter or rental; and

688 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
689 aircraft.

690 c. Buildings for residential accessory uses in the RA and A zone shall not  
691 exceed five thousand square feet of gross floor area, except for buildings related to  
692 agriculture or forestry.

693 8. Mobile home parks shall not be permitted in the R-1 zones.

694 9. Only as an accessory to the permanent residence of the operator, and:

695           a. Serving meals to paying guests shall be limited to breakfast; and  
696           b. There shall be no more than five guests per night.

697           10. Only as an accessory to the permanent residence of the operator, and:  
698           a. Serving meals to paying guests shall be limited to breakfast; and  
699           b. The number of persons accommodated per night shall not exceed five,  
700 except that a structure that satisfies the standards of the Uniform Building Code as  
701 adopted by King County for R-1 occupancies may accommodate up to ten persons per  
702 night.

703           11. Only if part of a mixed use development, and subject to the conditions of  
704 K.C.C. 21A.08.030B.10.

705           12. Townhouses are permitted, but shall be subject to a conditional use permit if  
706 exceeding base density.

707           13. Required before approving more than one dwelling on individual lots,  
708 except on lots in subdivisions, short subdivisions or binding site plans approved for  
709 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.  
710 21A.08.030B.7.

711           14. No new mobile home parks are allowed in a rural zone.

712           15. Limited to domestic violence shelter facilities.

713           16. Only in the R4-R8 zones limited to:  
714           a. developments no larger than one acre;  
715           b. not adjacent to another cottage housing development such that the total  
716 combined land area of the cottage housing developments exceeds one acre; and

c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in subsection B.25. of this section or the floor area and footprint limits in K.C.C. 21A.14.025.B.

17. The development for a detached single-family residence shall be consistent with the following:

- a. The lot must have legally existed prior to March 1, 2005;
- b. The lot has a comprehensive plan land use designation of Rural Neighborhood or Rural Residential; and
- c. The standards of this title for the RA-5 zone shall apply.

18. Housing for agricultural employees who are employed by the owner or operator of the site year-round as follows:

- a. Not more than:
  - (1) One agricultural employee dwelling unit on a site under twenty acres;
  - (2) Two agricultural employee dwelling units on a site between twenty acres and fifty acres;
  - (3) Three agricultural employee dwelling units on a site greater than fifty acres and less than one-hundred acres; and
  - (4) On sites one-hundred acres and larger one additional agricultural employee dwelling unit for each additional one hundred acres;

b. The primary use of the site shall be agricultural in SIC Industry Group No. 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and

Small Animals. If the primary use of the site changes to a non-agricultural use, all agricultural employee dwelling units shall be removed;

c. The applicant shall file with the department of executive services, records, elections and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records, elections and licensing services division before the department approves any permit for the construction of agricultural employee dwelling units;

d. An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;

e. One off-street parking space shall be provided for each agricultural employee dwelling unit; and

f. The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.

**SECTION 20.** Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

**A. Residential land uses.**

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D



		O N E	I C U L T U R E	E S T A L	A L	A N R V E	A I N D E N T I A L	G I H N B E O S R S H O O D	M I U N E S T S Y	I I O N E S L S	I I C E	U S T R I A L	
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
DWELLING UNITS, TYPES:													
*	Single Detached	P C13	P2		P C13	P C13	P C13	P C13	P17				
*	Townhouse				C4	C4	P C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3	
*	Mobile Home Park				S14		C8	P					
*	Cottage Housing						C16						
GROUP RESIDENCES:													
*	Community Residential Facility-I				C	C	P15 C	P	P3	P3	P3	P3	

*	Community Residential Facility-II						P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P			
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3
	<b>ACCESSORY USES:</b>										
*	Residential Accessory Uses	P7 P18	P7		P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P	P		P	P	P	P	P	P	P
*	Home Industry	C			C	C	C				
	<b>TEMPORARY LODGING:</b>										
7011	Hotel/Motel (1)								P	P	P
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11
7041	Organization Hotel/Lodging Houses									P	
<b>GENERAL</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>CROSS</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30; <b>REFERENCES:</b> General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

760

## B. Development conditions.

761

1. The following conditions and limitations shall apply, where appropriate:

762           a. No stadiums on sites less than ten acres;

763           b. Lighting for structures and fields shall be directed away from residential

764 areas;

765           c. Structures or service yards shall maintain a minimum distance of fifty feet

766 from property lines adjoining residential zones, except for structures in on-site recreation

767 areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for

768 structures in these on-site required recreation areas shall be maintained in accordance

769 with K.C.C. 21A.12.030;

770           d. Facilities in the A zone shall be limited to trails and trailheads, including

771 related accessory uses such as parking and sanitary facilities; and

772           e. Overnight camping is allowed only in an approved campground.

773           2. Recreational vehicle parks are subject to the following conditions and

774 limitations:

775           a. The maximum length of stay of any vehicle shall not exceed one hundred

776 eighty days during a three-hundred-sixty-five-day period;

777           b. The minimum distance between recreational vehicle pads shall be no less

778 than ten feet; and

779           c. Sewage shall be disposed in a system approved by the Seattle-King County

780 health department.

781           3. Limited to day moorage. The marina shall not create a need for off-site

782 public services beyond those already available before the date of application.

783           4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities

784 subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential or rural character of the area;

b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.

5. Limited to day moorage.

6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.

7. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least fifty feet from residential property lines. Lighting for practice

greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. Within the RA zone, those facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area, regionally significant resource areas or locally significant resource areas. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued.

8. Limited to a golf driving range only as:

- a. an accessory to golf courses; or
- b. an accessory to a large active recreation and multiuse park.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, but existing facilities shall be exempt.

b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or arrows from leaving the property.

830 c. Site plans shall include: safety features of the range; provisions for reducing  
831 sound produced on the firing line; elevations of the range showing target area, backdrops  
832 or butts; and approximate locations of buildings on adjoining properties.

833 d. Subject to the licensing provisions of K.C.C. Title 6.

834 10.a. Only in an enclosed building, and subject to the licensing provisions of  
835 K.C.C. Title 6;

836 b. Indoor ranges shall be designed and operated so as to provide a healthful  
837 environment for users and operators by:

838 (1) installing ventilation systems that provide sufficient clean air in the user's  
839 breathing zone, and

840 (2) adopting appropriate procedures and policies that monitor and control  
841 exposure time to airborne lead for individual users.

842 11. Only as accessory to a park or in a building listed on the National Register  
843 as an historic site or designated as a King County landmark subject to K.C.C. chapter  
844 21A.32.

845 12. Only as accessory to a nonresidential use established through a discretionary  
846 permit process, if the scale is limited to ensure compatibility with surrounding  
847 neighborhoods. This condition applies to the UR zone only if the property is located  
848 within a designated unincorporated rural town.

849 13. Subject to the following:

850 a. The park shall abut an existing park on one or more sides, intervening roads  
851 notwithstanding;

852           b. No bleachers or stadiums are permitted if the site is less than ten acres, and  
853 no public amusement devices for hire are permitted;

854           c. Any lights provided to illuminate any building or recreational area shall be  
855 so arranged as to reflect the light away from any premises upon which a dwelling unit is  
856 located; and

857           d. All buildings or structures or service yards on the site shall maintain a  
858 distance not less than fifty feet from any property line and from any public street.

859           14. Excluding amusement and recreational uses classified elsewhere in this  
860 chapter.

861           15. Limited to golf driving ranges and subject to subsection B.7. of this section.

862           16. Subject to the following conditions:

863           a. The length of stay per party in campgrounds shall not exceed one hundred  
864 eighty days during a three-hundred-sixty-five-day period; and

865           b. Only for campgrounds that are part of a proposed or existing county park,  
866 that are subject to review and public meetings through the department of natural  
867 resources and parks.

868           17. Only for stand-alone sports clubs that are not part of a park.

869           18. Subject to review and approval of conditions to comply with trail corridor  
870 provisions of K.C.C. chapter 21A.14 when located in an RA zone (~~and in an equestrian~~  
871 ~~community designated by the Comprehensive Plan~~)).

872           19. Only as an accessory to a large active recreation and multiuse park.

873           20. Only as an accessory to a large active recreation and multiuse park with the  
874 floor area of an individual outdoor performance center stage limited to three thousand  
875 square feet.

876           21. Only as an accessory to a park, or a large active recreation and multiuse park  
877 in the RA zones, and limited to:

- 878           a. rentals of sports and recreation equipment; and
- 879           b. a total floor area of seven hundred and fifty square feet.

880           22. Only as an accessory to a large active recreation and multiuse park and  
881 limited to:

- 882           a. water slides, wave pools and associated water recreation facilities; and
- 883           b. rentals of sports and recreation equipment.

884           23. Limited to natural resource and heritage museums and only allowed in a farm or  
885 forestry structure, including but not limited to barns or sawmills, existing as of December  
886 31, 2003.

887           24. Use is permitted without a conditional use permit only when in compliance  
888 with all of the following conditions:

- 889           a. The use is limited to camps for youths or for persons with special needs due  
890 to a disability, as defined by the American With Disabilities Act of 1990, or due to a  
891 medical condition and including training for leaders for those who use the camp;
- 892           b. Active recreational activities shall not involve the use of motorized vehicles  
893 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The  
894 prohibition on motorized vehicles does not apply to such vehicles that may be necessary



for operation and maintenance of the facility or to a client-specific vehicle used as a personal mobility device;

c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of overnight campers, not including camp personnel, in a new camp shall not exceed:

(a) one hundred and fifty for a camp between twenty and forty acres; or

(b) for a camp greater than forty acres, but less than two hundred and fifty acres, the number of users allowed by the design capacity of a water system and on-site sewage disposal system approved by the department of health, Seattle/King County, up to a maximum of three hundred and fifty; and

(2) Existing camps shall be subject to the following:

(a) For a camp established prior to August 11, 2005, with a conditional use permit and is forty acres or larger, but less than one hundred and sixty acres, the number of overnight campers, not including camp personnel, may be up to one hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

(b) For a camp established prior to August 11, 2005, with a conditional use permit and is one hundred and sixty acres or larger, but less than two hundred acres, the number of overnight campers, not including camp personnel, may be up to three hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

The camp may terminate operations at its existing site and establish a new camp if the area of the camp is greater than two hundred and fifty acres and the number of overnight campers, not including camp personnel, shall not exceed seven hundred.

d. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

e. The camp facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale to serve overnight camp users;

f. The minimum size of parcel for such use shall be twenty acres;

g. Except for any permanent caretaker residence, all new structures where camp users will be housed, fed or assembled shall be no less than fifty feet from properties not related to the camp;

h. In order to reduce the visual impacts of parking areas, sports and activity fields or new structures where campers will be housed, fed or assembled, the applicant shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest property line and such parking area, field, or structures, by retaining existing vegetation or augmenting as necessary to achieve the required level of screening;

i. If the site is adjacent to an arterial roadway, access to the site shall be directly onto said arterial unless direct access is unsafe due inadequate sight distance or extreme grade separation between the roadway and the site;

j. If direct access to the site is via local access streets, transportation demand management measures, such as use of carpools, buses or vans to bring in campers, shall be used to minimize traffic impacts;

k. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any adjacent property; and

l. A community meeting shall be convened by the applicant prior to submittal of an application for permits to establish a camp, or to expand the number of camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within

five hundred feet (or at least twenty of the nearest property owners, whichever is greater).  
The notice shall at a minimum contain a brief description of the project and the location,  
as well as, contact persons and numbers.

25. Limited to theaters primarily for live productions located within a Rural  
Town designated by the King County Comprehensive Plan.

26.a. Only in an enclosed building; and  
b. A copy of the current liability policy of not less than one million dollars for  
bodily injury or death shall be maintained in the department.

27. Minimum standards for outdoor paintball recreation fields:

a. The minimum site area is twenty-five acres;  
b. Structures shall be no closer than one hundred feet from any lot line adjacent  
to a residential zoned property;

c. The area where paintballs are discharged shall be located more than three  
hundred feet of any lot line and more than five hundred feet from the lot line of any  
adjoining residential property. The department may allow for a lesser setback if it  
determines through the conditional use permit review that the lesser setback in  
combination with other elements of the site design provides adequate protection to  
adjoining properties and rights-of-ways;

d. A twenty-foot high nylon mesh screen shall be installed around all play areas  
and shall be removed at the end of each day when the play area is not being used. The  
department may allow for the height of the screen to be lowered to no less than ten feet if  
it determines through the conditional use permit review that the lower screen in

combination with other elements of the site design provides adequate protection from discharged paintballs;

e. All parking and spectator areas, structures and play areas shall be screened from adjoining residential zoned property and public rights of way with Type 1 landscaping at least ten feet wide;

f. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site;

g. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be used by users of the site, safety procedures, type of compressed air fuel to be used on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the conditional use permit application. All safety procedures shall be reviewed and approved by department of public safety prior to submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

i. No more than one hundred paintball players shall be allowed on the site at any one time;

j. No outdoor lights or amplified sounds shall be permitted;

k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the

986 conditional use permit review that the type and amount of traffic generated by the facility  
 987 is such that it will not cause an undue impact on the neighbors or adversely affect safety  
 988 of road usage;

989 l. The facility shall be secured at the close of business each day;

990 m. All equipment and objects used in the paintball activities shall be removed  
 991 from the site within ninety days of the discontinuance of the paintball use; and

992 6. A copy of the current liability policy of not less than one million dollars for  
 993 bodily injury or death shall be submitted with the conditional use permit application and  
 994 shall be maintained in the department.

995 SECTION 21. Ordinance 10870, Section 332, as amended, and K.C.C.

996 21A.08.050 are each hereby amended to read as follows:

997 A. General services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL											
P-Permitted Use		Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I		
C-Conditional Use			G	O	I	U		R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use			R	R	N	R		B	S	B	S	I	S	M	S	G	S	F	D	
			O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U	
			N	C	S	R	L		N	R	N	D	H	N	U	N	O	N	C	S
			E	U	T	A				V		E	B	E	N	E	N	E	E	T

7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	C33			P32 C33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 C13 and 31	P12 C13	P12 C13	P12 C13	P13	P	P	P	
*	Stable	P14 C			P14 C31	P14 C	P14 C						
0752	Animal specialty services				C P 35 P 36	C			P	P	P	P	P
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P

*	Dog training facility	C34			C34	C34			P	P	P		P
	<b>HEALTH SERVICES:</b>												
801-04	Office/Outpatient Clinic				P12 C 13	P12 C 13	P12 C 13 <u>C37</u>	P12 C 13 <u>C37</u>	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13	C13		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	<b>EDUCATION SERVICES:</b>												
*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16c	
*	Secondary or High School				P16 C15 and 26 and 31	P26	P26	P26		P16c C	P16c C	P16c	
*	Vocational School				P13 C31	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.													

999                   1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted  
1000 use table.

1001                   2. Except SIC Industry Group Nos.:

1002                   a. 835-Day Care Services, and

1003                   b. 836-Residential Care, which is otherwise provided for on the residential  
1004 permitted land use table.

1005                   3. Limited to SIC Industry Group and Industry Nos.:

1006                   a. 723-Beauty Shops;

1007                   b. 724-Barber Shops;

1008                   c. 725-Shoe Repair Shops and Shoeshine Parlors;

1009                   d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

1010                   e. 217-Carpet and Upholstery Cleaning.

1011                   4. Only as an accessory to a cemetery, and prohibited from the UR zone only if  
1012 the property is located within a designated unincorporated Rural Town.

1013                   5. Structures shall maintain a minimum distance of one hundred feet from  
1014 property lines adjoining residential zones.

1015                   6. Only as an accessory to residential use, and:

1016                   a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1017 with no openings except for gates, and have a minimum height of six feet; and

1018                   b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1019 from property lines adjoining residential zones.

1020                   7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
1021 21A.08.060.A.



1022           8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,  
1023 or an accessory use to a school, church, park, sport club or public housing administered  
1024 by a public agency, and:

1025           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1026 with no openings except for gates and have a minimum height of six feet;

1027           b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1028 from property lines adjoining residential zones;

1029           c. Direct access to a developed arterial street shall be required in any  
1030 residential zone; and

1031           d. Hours of operation may be restricted to assure compatibility with  
1032 surrounding development.

1033           9.a. As a home occupation only, but the square footage limitations in K.C.C.  
1034 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
1035 clinic, office space for the kennel or office space for the cattery, and:

1036           (1) Boarding or overnight stay of animals is allowed only on sites of five  
1037 acres or more;

1038           (2) No burning of refuse or dead animals is allowed;

1039           (3) The portion of the building or structure in which animals are kept or  
1040 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
1041 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced  
1042 with concrete or other impervious material; and

1043           (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are  
1044 met.

1045                   b. The following additional provisions apply to kennels or catteries in the A  
1046 zone:

1047                   (1) Impervious surface for the kennel or cattery shall not exceed twelve  
1048 thousand square feet;

1049                   (2) Obedience training classes are not allowed except as provided in  
1050 subsection B.34. of this section; and

1051                   (3) Any buildings or structures used for housing animals and any outdoor  
1052 runs shall be set back one hundred and fifty feet from property lines.

1053                   10.a. No burning of refuse or dead animals is allowed;

1054                   b. The portion of the building or structure in which animals are kept or treated  
1055 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
1056 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
1057 concrete or other impervious material; and

1058                   c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1059                   11. The repair work or service shall only be performed in an enclosed building,  
1060 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
1061 Repair Shops and Paint Shops is not allowed.

1062                   12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

1063                   13. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1064 21A.32.

1065                   14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
1066 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
1067 shall not be counted in this calculation.

1068           15. Limited to projects which do not require or result in an expansion of sewer  
1069 service outside the urban growth area, unless a finding is made that no cost-effective  
1070 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1071 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and  
1072 serving only the public school or the school facility may be used. New public high  
1073 schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

1074           16.a. For middle or junior high schools and secondary or high schools or school  
1075 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.  
1076 chapter 21A.32. An expansion of such a school or a school facility shall be subject to  
1077 approval of a conditional use permit and the expansion shall not require or result in an  
1078 extension of sewer service outside the urban growth area, unless a finding is made that no  
1079 cost-effective alternative technologies are feasible, in which case a tightline sewer sized  
1080 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the  
1081 school facility may be used.

1082           b. Renovation, expansion, modernization or reconstruction of a school, a  
1083 school facility, or the addition of relocatable facilities, is permitted but shall not require  
1084 or result in an expansion of sewer service outside the urban growth area, unless a finding  
1085 is made that no cost-effective alternative technologies are feasible, in which case a  
1086 tightline sewer sized only to meet the needs of the public school, as defined in RCW  
1087 28A.150.010, or the school facility may be used.

1088           c. In CB, RB and O, for K-12 schools with no more than one hundred students.

1089           17. All instruction must be within an enclosed structure.

1090           18. Limited to resource management education programs.

1091 19. Only as an accessory to residential use, and:  
1092 a. Students shall be limited to twelve per one-hour session;  
1093 b. All instruction must be within an enclosed structure; and  
1094 c. Structures used for the school shall maintain a distance of twenty-five feet  
1095 from property lines adjoining residential zones.

1096 20. Subject to the following:  
1097 a. Structures used for the school and accessory uses shall maintain a minimum  
1098 distance of twenty-five feet from property lines adjoining residential zones;  
1099 b. On lots over two and one-half acres:  
1100 (1) Retail sale of items related to the instructional courses is permitted, if total  
1101 floor area for retail sales is limited to two thousand square feet;  
1102 (2) Sale of food prepared in the instructional courses is permitted with  
1103 Seattle-King County department of public health approval, if total floor area for food  
1104 sales is limited to one thousand square feet and is located in the same structure as the  
1105 school; and  
1106 (3) Other incidental student-supporting uses are allowed, if such uses are  
1107 found to be both compatible with and incidental to the principal use; and  
1108 c. On sites over ten acres, located in a designated Rural Town and zoned any  
1109 one or more of UR, R-1 and R-4:  
1110 (1) Retail sale of items related to the instructional courses is permitted,  
1111 provided total floor area for retail sales is limited to two thousand square feet;  
1112 (2) Sale of food prepared in the instructional courses is permitted with  
1113 Seattle-King County department of public health approval, if total floor area for food

1114 sales is limited to one thousand seven hundred fifty square feet and is located in the same  
1115 structure as the school;

1116 (3) Other incidental student-supporting uses are allowed, if the uses are found  
1117 to be functionally related, subordinate, compatible with and incidental to the principal  
1118 use;

1119 (4) The use shall be integrated with allowable agricultural uses on the site;

1120 (5) Advertised special events shall comply with the temporary use  
1121 requirements of this chapter; and

1122 (6) Existing structures that are damaged or destroyed by fire or natural event,  
1123 if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
1124 additional sixty-five percent of the original floor area but need not be approved as a  
1125 conditional use if their use otherwise complies with development condition B.20.c. of this  
1126 section and this title.

1127 21. Limited to drop box facilities accessory to a public or community use such  
1128 as a school, fire station or community center.

1129 22. With the exception of drop box facilities for the collection and temporary  
1130 storage of recyclable materials, all processing and storage of material shall be within  
1131 enclosed buildings. Yard waste processing is not permitted.

1132 23. Only if adjacent to an existing or proposed school.

1133 24. Limited to columbariums accessory to a church, but required landscaping  
1134 and parking shall not be reduced.

1135 25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1136 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1137           26.a. New high schools shall be permitted in the rural and the urban residential  
1138 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1139           b. Renovation, expansion, modernization, or reconstruction of a school, or the  
1140 addition of relocatable facilities, is permitted.

1141           27. Limited to projects that do not require or result in an expansion of sewer  
1142 service outside the urban growth area. In addition, such use shall not be permitted in the  
1143 RA-20 zone.

1144           28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1145 21A.32 or as a joint use of an existing public school facility.

1146           29. All studio use must be within an enclosed structure.

1147           30. Adult use facilities shall be prohibited within six hundred sixty feet of any  
1148 residential zones, any other adult use facility, school, licensed daycare centers, parks,  
1149 community centers, public libraries or churches that conduct religious or educational  
1150 classes for minors.

1151           31. Subject to review and approval of conditions to comply with trail corridor  
1152 provisions of K.C.C. chapter 21A.14 when located in an RA zone (~~and in an equestrian~~  
1153 ~~community designated by the Comprehensive Plan~~)).

1154           32. Limited to repair of sports and recreation equipment:

1155           a. as an accessory to a large active recreation and multiuse park in the urban  
1156 growth area; or

1157           b. as an accessory to a park, or a large active recreation and multiuse park in  
1158 the RA zones, and limited to a total floor area of seven hundred fifty square feet.

1159           33. Accessory to agricultural or forestry uses provided:

1160           a. the repair of tools and machinery is limited to those necessary for the  
1161 operation of a farm or forest.

1162           b. the lot is at least five acres.

1163           c. the size of the total repair use is limited to one percent of the lot size up to a  
1164 maximum of five thousand square feet unless located in a farm structure, including but  
1165 not limited to barns, existing as of December 31, 2003.

1166           34. Subject to the following:

1167           a. the lot is at least five acres.

1168           b. in the A zones, area used for dog training shall be located on portions of  
1169 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1170 the already developed portion of such agricultural lands that are not available for direct  
1171 agricultural production or areas without prime agricultural soils.

1172           c. structures and areas used for dog training shall maintain a minimum distance  
1173 of seventy-five feet from property lines.

1174           d. all training activities shall be conducted within fenced areas or in indoor  
1175 facilities. Fences must be sufficient to contain the dogs.

1176           35. Limited to animal rescue shelters and provided that:

1177           a. the property shall be at least four acres;

1178           b. buildings used to house rescued animals shall be no less than fifty feet from  
1179 property lines;

1180           c. outdoor animal enclosure areas shall be located no less than thirty feet from  
1181 property lines and shall be fenced in a manner sufficient to contain the animals;

1182 d. the facility shall be operated by a nonprofit organization registered under the  
1183 Internal Revenue Code as a 501(c)(3) organization; and

1184 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1185 and no later than 7 p.m.

1186 36. Limited to kennel-free dog boarding and daycare facilities, and:

1187 a. the property shall be at least five acres;

1188 b. buildings housing dogs shall be no less than seventy-five feet from property  
1189 lines;

1190 c. outdoor exercise areas shall be located no less than thirty feet from property  
1191 lines and shall be fenced in a manner sufficient to contain the dogs;

1192 d. the number of dogs allowed shall be limited to twenty-five, consistent with  
1193 the provisions for hobby kennels as outline in K.C.C. 11.04.060.B;

1194 e. training and grooming are ancillary services which may be provided only to  
1195 dogs staying at the facility;

1196 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1197 and no later than 7 p.m.; and

1198 g . no new facility shall be permitted to be established after one year from the  
1199 effective date of this ordinance.

1200 37. Not permitted in R-1 and subject to the additional requirements in section 31  
1201 of this ordinance.

1202 SECTION 22. Ordinance 10870, Section 334, as amended, and K.C.C.  
1203 21A.08.070 are each hereby amended to read as follows:

1204 A. Retail land uses.



KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H		Y					A
		R							A	O							L
		E							L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)				
*	Building Materials and Hardware Stores		P23						P2	P	P						
*	Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P						
*	Forest Products Sales	P3,4	P4		P3,4						P						
*	Department and Variety Stores						C14	C14	P5	P	P						
54	Food Stores						C15	C15	P	P	P	C	P6				
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3										
*	Motor Vehicle and Boat Dealers										P8		P				

553	Auto Supply Stores								P9	P9	P		
554	Gasoline Service Stations							P	P	P	P		
56	Apparel and Accessory Stores								P	P			
*	Furniture and Home Furnishings Stores								P	P			
58	Eating and Drinking Places				P21 C19		P20 C16	P20 C16	P10	P	P	P	P
*	Drug Stores						C15	C15	P	P	P	C	
592	Liquor Stores	P13			P13	P13				P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		

*	Photographic and Electronic Shops							P	P	P	
*	Fabric Shops								P	P	
598	Fuel Dealers								C11	P	P
*	Florist Shops						C15 C15	P	P	P	P
*	Personal Medical Supply Stores								P	P	
*	Pet Shops							P	P	P	
*	Bulk Retail								P	P	
*	Auction Houses									P12	P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18				P
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

1205 B. Development conditions.

1206 1.a. As a permitted use, covered sales areas, including greenhouses, shall not  
1207 exceed a total area of two thousand square feet, unless located in a building designated as  
1208 historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered  
1209 sales areas, including greenhouses, of up to three thousand five hundred square feet may  
1210 be allowed. Uncovered outdoor areas used to grow or display trees, shrubs, or other  
1211 plants are not considered part of the covered sales area;

1212 b. The site area shall be at least four and one-half acres;

1213 c. Sales may include locally made arts and crafts; and

1214 d. Outside lighting is permitted if no off-site glare is allowed.

1215           2. Only hardware stores.

1216           3.a. Limited to products grown on site.

1217           b. Covered sales areas shall not exceed a total area of five hundred square feet.

1218           4. No permanent structures or signs.

1219           5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

1220 maximum of two thousand square feet of gross floor area.

1221           6. Limited to a maximum of two thousand square feet of gross floor area.

1222           7.a. As a permitted use, the covered sales area shall not exceed two thousand

1223 square feet, unless located in building designated as historic resource under K.C.C.

1224 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of

1225 covered sales area may be allowed;

1226           b. The site area shall be at least four and one-half acres;

1227           c. Forty percent or more of the gross sales of agricultural product sold through

1228 the store must be sold by the producers of primary agricultural products;

1229           d. Sixty percent or more of the gross sales of agricultural products sold through

1230 the store shall be derived from products grown or produced in the Puget Sound counties.

1231 At the time of the initial application, the applicant shall submit a reasonable projection of

1232 the source of product sales;

1233           e. Sales shall be limited to agricultural products and locally made arts and

1234 crafts((-));

1235           f. Storage areas for agricultural products may be included in a farm store

1236 structure or in any accessory building; and

1237           g. Outside lighting is permitted if no off-site glare is allowed.

- 1238 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 1239 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 1240 10. Excluding SIC Industry No. 5813-Drinking Places.
- 1241 11. No outside storage of fuel trucks and equipment.
- 1242 12. Excluding vehicle and livestock auctions.
- 1243 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
- 1244 and limited to sales of products produced on site and incidental items where the majority
- 1245 of sales are generated from products produced on site.
- 1246 14. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a
- 1247 maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 1248 21A.12.330.
- 1249 15. Not permitted in R-1 and limited to a maximum of five thousand square feet
- 1250 of gross floor area and subject to K.C.C. 21A.12.230.
- 1251 16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,
- 1252 and limited to a maximum of five thousand square feet of gross floor area and subject to
- 1253 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section.
- 1254 17. Retail sale of livestock is permitted only as accessory to raising livestock.
- 1255 18. Limited to the R-1 zone.
- 1256 19. Only as:
- 1257 a. an accessory use to a permitted manufacturing or retail land use, limited to
- 1258 espresso stands to include sales of beverages and incidental food items, and not to include
- 1259 drive-through sales; or

1260 b. an accessory use to a large active recreation and multiuse park, limited to a  
1261 total floor area of three thousand five hundred square feet.

1262 20. Only as:

1263 a. an accessory to a large active recreation and multiuse park; or

1264 b. an accessory to a park and limited to a total floor area of one thousand five  
1265 hundred square feet.

1266 21. Accessory to a park, limited to a total floor area of seven hundred fifty  
1267 square feet.

1268 22. Only as an accessory to:

1269 a. a large active recreation and multiuse park in the urban growth area; or

1270 b. a park, or a large active recreation and multiuse park in the RA zones, and  
1271 limited to a total floor area of seven hundred and fifty square feet.

1272 23. Only as accessory to SIC Industry Group No. 242-Sawmills and:

1273 a. limited to lumber milled on site; and

1274 b. the covered sales area is limited to two thousand square feet. The covered  
1275 sales area does not include covered areas used to display only milled lumber.

1276 ~~((SECTION 23. Ordinance 10870, Section 335, as amended, and K.C.C.~~

1277 ~~21A.08.080 are each hereby amended to read as follows:~~

1278 ~~——— A. Manufacturing land uses.~~

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL									
P-Permitted Use	Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D	
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T

		L T U R E		L		E	N T I A L	O S R S H O D	I S T S	A S L S		R I A L	
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I(11)
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1					C		P2-C
*2082(( 2084))	Winery/Brewery	P3 C12			P3 C12	P3					C		P
*	Materials Processing Facility	P13	P14 C	P15 C16	P17 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4	P4-C5		P4, C5	P4					C6		P
25	Furniture and Fixtures										C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9		P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and												C

	Equipment										
357	Computer and Office Equipment								€	€	P
36	Electronic and other Electric Equipment								€		P
374	Railroad Equipment										€
376	Guided Missile and Space Vehicle Parts										€
379	Miscellaneous Transportation Vehicles										€
38	Measuring and Controlling Instruments								€	€	P
39	Miscellaneous Light Manufacturing								€		P
*	Motor Vehicle and Bicycle Manufacturing										€
*	Aircraft, Ship and Boat Building										P10C
7534	Tire Retreading								€		P
781-82	Movie Production/Distribution								P		P
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06											

1279 ~~———— B. Development conditions.~~

1280 ~~———— 1.a. Excluding wineries and SIC Industry No. 2082 Malt Beverages;~~

1281 ~~———— b. In the A zone, only allowed on sites where the primary use is SIC Industry~~

1282 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~

1283 ~~Animals.~~

1284 ~~———— c. In the RA and UR zones, only allowed on lots of at least four and one half~~

1285 ~~acres and only when accessory to an agricultural use;~~



1286 ~~—————d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,~~  
1287 ~~the floor area devoted to all processing shall not exceed three thousand five hundred~~  
1288 ~~square feet, unless located in a building designated as historic resource under K.C.C.~~  
1289 ~~chapter 20.62;~~

1290 ~~—————(2) With a conditional use permit, up to five thousand square feet of floor~~  
1291 ~~area may be devoted to all processing; and~~

1292 ~~—————(3) In the A zone, on lots thirty five acres or greater, the floor area devoted to~~  
1293 ~~all processing shall not exceed seven thousand square feet, unless located in a building~~  
1294 ~~designated as historic resource under K.C.C. chapter 20.62;~~

1295 ~~—————e. Structures and areas used for processing shall maintain a minimum distance~~  
1296 ~~of seventy five feet from property lines adjoining residential zones, unless located in a~~  
1297 ~~building designated as historic resource under K.C.C. chapter 20.62;~~

1298 ~~—————f. Processing is limited to agricultural products and sixty percent or more of~~  
1299 ~~the products processed must be grown in the Puget Sound counties. At the time of initial~~  
1300 ~~application, the applicant shall submit a projection of the source of products to be~~  
1301 ~~produced;~~

1302 ~~—————g. In the A zone, structures used for processing shall be located on portions of~~  
1303 ~~agricultural lands that are unsuitable for other agricultural purposes, such as areas within~~  
1304 ~~the already developed portion of such agricultural lands that are not available for direct~~  
1305 ~~agricultural production, or areas without prime agricultural soils; and~~

1306 ~~—————h. Tasting of products produced on site may be provided. The area devoted to~~  
1307 ~~tasting shall be included in the floor area limitation in subsection B.1.d. of this section.~~

1308 ~~—————2. Except slaughterhouses.~~

1309 ~~———— 3.a. Limited to wineries and SIC Industry No. 2082 Malt Beverages;~~  
1310 ~~———— b. In the A zone, only allowed on sites where the primary use is SIC Industry~~  
1311 ~~Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small~~  
1312 ~~Animals;~~  
1313 ~~———— c. In the RA and UR zones, only allowed on lots of at least four and one-half~~  
1314 ~~acres;~~  
1315 ~~———— d. The floor area devoted to all processing shall not exceed three thousand five~~  
1316 ~~hundred square feet, unless located in a building designated as historic resource under~~  
1317 ~~K.C.C. chapter 20.62.~~  
1318 ~~———— e. Structures and areas used for processing shall maintain a minimum distance~~  
1319 ~~of seventy five feet from property lines adjoining residential zones, unless located in a~~  
1320 ~~building designated as historic resource under K.C.C. chapter 20.62;~~  
1321 ~~———— f. Sixty percent or more of the products processed must be grown in the Puget~~  
1322 ~~Sound counties. At the time of initial application, the applicant shall submit a projection~~  
1323 ~~of the source of products to be produced; and~~  
1324 ~~———— g. Tasting of products produced on site may be provided. The area devoted to~~  
1325 ~~tasting shall be included in the floor area limitation in subsection B.3.c. of this section.~~  
1326 ~~———— 4. Limited to rough milling and planing of products grown on site with portable~~  
1327 ~~equipment.~~  
1328 ~~———— 5. Limited to SIC Industry Group No. 242 Sawmills. For RA zoned sites,~~  
1329 ~~limited to RA 10 on lots at least ten acres in size and only as accessory to forestry uses.~~  
1330 ~~———— 6. Limited to uses found in SIC Industry No. 2434 Wood Kitchen Cabinets and~~  
1331 ~~No. 2431 Millwork, (excluding planing mills).~~

1332 ~~7. Limited to photocopying and printing services offered to the general public.~~  
1333 ~~8. Only within enclosed buildings, and as an accessory use to retail sales.~~  
1334 ~~9. Only within enclosed buildings.~~  
1335 ~~10. Limited to boat building of craft not exceeding forty eight feet in length.~~  
1336 ~~11. For I-zoned sites located outside the urban growth area designated by the~~  
1337 ~~King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.~~  
1338 ~~21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for~~  
1339 ~~rural industrial uses as set forth in K.C.C. chapter 21A.12.~~  
1340 ~~12. Limited to wineries and SIC Industry No. 2082 Malt Beverages;~~  
1341 ~~b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area~~  
1342 ~~of structures for wineries and breweries and any accessory uses shall not exceed a total of~~  
1343 ~~eight thousand square feet. The floor area may be increased by up to an additional eight~~  
1344 ~~thousand square feet of underground storage that is constructed completely below natural~~  
1345 ~~grade, not including required exits and access points, if the underground storage is at least~~  
1346 ~~one foot below the surface and is not visible above ground; and~~  
1347 ~~(2) On Vashon Maury Island, the total floor area of structures for wineries~~  
1348 ~~and breweries and any accessory uses may not exceed six thousand square feet, including~~  
1349 ~~underground storage;~~  
1350 ~~c. Wineries and breweries shall comply with Washington state Department of~~  
1351 ~~Ecology and King County board of health regulations for water usage and wastewater~~  
1352 ~~disposal. Wineries and breweries using water from exempt wells shall install a water~~  
1353 ~~meter;~~

1354 ~~————— d. Off street parking is limited to one hundred and fifty percent of the~~  
1355 ~~minimum requirement for wineries or breweries specified in K.C.C. 21A.18.030;~~  
1356 ~~————— e. Structures and areas used for processing shall be set back a minimum~~  
1357 ~~distance of seventy five feet from property lines adjacent to residential zones, unless the~~  
1358 ~~processing is located in a building designated as historic resource under K.C.C. chapter~~  
1359 ~~20.62;~~  
1360 ~~————— f. The minimum site area is four and one half acres. If the total floor area of~~  
1361 ~~structures for wineries and breweries and any accessory uses exceed six thousand square~~  
1362 ~~feet, including underground storage must:~~  
1363 ~~————— (1) the minimum site area is ten acres; and~~  
1364 ~~————— (2) a minimum of two and one half acres of the site shall be used for the~~  
1365 ~~growing of agricultural products;~~  
1366 ~~————— g. The facility shall be limited to processing agricultural products and sixty~~  
1367 ~~percent or more of the products processed must be grown in the Puget Sound counties.~~  
1368 ~~At the time of initial application, the applicant shall submit a projection of the source of~~  
1369 ~~products to be processed; and~~  
1370 ~~————— h. Tasting of products produced on site may be provided. The area devoted to~~  
1371 ~~tasting shall be included in the floor area limitation in subsection B.12.b of this section.~~  
1372 ~~————— 13. Limited to source separated organic waste processing facilities at a scale~~  
1373 ~~appropriate to process the organic waste generated in the agricultural zone.~~  
1374 ~~————— 14. Only on the same lot or same group of lots under common ownership or~~  
1375 ~~documented legal control, which includes, but is not limited to, fee simple ownership, a~~  
1376 ~~long term lease or an easement;~~

1377 ~~\_\_\_\_\_ a. as accessory to a primary forestry use and at a scale appropriate to process~~  
1378 ~~the organic waste generated on the site; or~~  
1379 ~~\_\_\_\_\_ b. as a continuation of a sawmill or lumber manufacturing use only for that~~  
1380 ~~period to complete delivery of products or projects under contract at the end of the~~  
1381 ~~sawmill or lumber manufacturing activity.~~  
1382 ~~\_\_\_\_\_ 15. Only on the same lot or same group of lots under common ownership or~~  
1383 ~~documented legal control, which includes, but is not limited to, fee simple ownership, a~~  
1384 ~~long-term lease or an easement:~~  
1385 ~~\_\_\_\_\_ a. as accessory to a primary mineral use; or~~  
1386 ~~\_\_\_\_\_ b. as a continuation of a mineral processing use only for that period to~~  
1387 ~~complete delivery of products or projects under contract at the end of mineral extraction.~~  
1388 ~~\_\_\_\_\_ 16. Continuation of a materials processing facility after reclamation in~~  
1389 ~~accordance with an approved reclamation plan.))~~

1390 SECTION 24. Ordinance 10870, Section 336, as amended, and K.C.C.

1391 21A.08.090 are each hereby amended to read as follows:

1392 A. Resource land uses.

KEY	Z  O  N  E  
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									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
<b>AGRICULTURE:</b>													
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals	P	P		P	P	P6						P
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	<u>Agricultural Anaerobic Digester</u>	<u>P13</u>											
<b>FORESTRY:</b>													
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
<b>FISH AND WILDLIFE MANAGEMENT:</b>													
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
<b>MINERAL:</b>													
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
<b>ACCESSORY USES:</b>													
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;													

<b>REFERENCES:</b>	Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific land use, see K.C.C. chapter 21A.06.
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- 1393           B. Development conditions.
- 1394           1. May be further subject to K.C.C. Title 25, Shoreline Management.
- 1395           2. Only forest research conducted within an enclosed building.
- 1396           3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 1397           4. Excluding housing for agricultural workers.
- 1398           5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1399 with mineral extraction or processing operation.
- 1400           6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 1401           7. Only in conjunction with a mineral extraction site plan approved in
- 1402 accordance with K.C.C. chapter 21A.22.
- 1403           8. Only on the same lot or same group of lots under common ownership or
- 1404 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1405 long-term lease or an easement:
- 1406           a. as accessory to a primary mineral extraction use;
- 1407           b. as a continuation of a mineral processing only for that period to complete
- 1408 delivery of products or projects under contract at the end of a mineral extraction; or
- 1409           c. for a public works project under a temporary grading permit issued in
- 1410 accordance with K.C.C. 16.82.152.
- 1411           9. Limited to mineral extraction and processing:

1412       a. on a lot or group of lots under common ownership or documented legal control,  
1413       which includes but is not limited to, fee simple ownership, a long-term lease or an  
1414       easement;

1415       b. that are located greater than one-quarter mile from an established residence;  
1416       and

1417       c. that do not use local access streets that abut lots developed for residential  
1418       use.

1419       10. Agriculture training facilities are allowed only as an accessory to existing  
1420       agricultural uses and are subject to the following conditions:

1421       a. The impervious surface associated with the agriculture training facilities  
1422       shall comprise not more than ten percent of the allowable impervious surface permitted  
1423       under K.C.C. 21A.12.040;

1424       b. New or the expansion of existing structures, or other site improvements,  
1425       shall not be located on class 1, 2 or 3 soils;

1426       c. The director may require reuse of surplus structures to the maximum extent  
1427       practical;

1428       d. The director may require the clustering of new structures with existing  
1429       structures;

1430       e. New structures or other site improvements shall be set back a minimum  
1431       distance of seventy-five feet from property lines adjoining residential zones;

1432       f. Bulk and design of structures shall be compatible with the architectural style  
1433       of the surrounding agricultural community;

1434       g. New sewers shall not be extended to the site;



1435 h. Traffic generated shall not impede the safe and efficient movement of  
1436 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1437 i. Agriculture training facilities may be used to provide educational services to  
1438 the surrounding rural/agricultural community or for community events. Property owners  
1439 may be required to obtain a temporary use permit for community events in accordance  
1440 with K.C.C. chapter 21A.32;

1441 j. Use of lodging and food service facilities shall be limited only to activities  
1442 conducted in conjunction with training and education programs or community events  
1443 held on site;

1444 k. Incidental uses, such as office and storage, shall be limited to those that  
1445 directly support education and training activities or farm operations; and

1446 l. The King County agriculture commission shall be notified of and have an  
1447 opportunity to comment upon all proposed agriculture training facilities during the permit  
1448 process in accordance with K.C.C. chapter 21A.40.

1449 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
1450 uses after reclamation in accordance with an approved reclamation plan.

1451 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1452 oriented activities. In addition, activities that place minimal stress on the site's  
1453 agricultural resources or activities that are compatible with agriculture are permitted.

1454 (1) passive recreation;

1455 (2) training of individuals who will work at the camp;

1456 (3) special events for families of the campers; and

1457 (4) agriculture education for youth.

1458           b. Outside the camp center, as provided for in subsection B.12.e of this section,  
1459 camp activities shall not preclude the use of the site for agriculture and agricultural  
1460 related activities, such as the processing of local food to create value-added products and  
1461 the refrigeration and storage of local agricultural products. The camp shall be managed  
1462 to coexist with agriculture and agricultural activities both onsite and in the surrounding  
1463 area.

1464           c. A farm plan shall be required for commercial agricultural production to  
1465 ensure adherence to best management practices and soil conservation.

1466           d.(1) The minimum site area shall be five hundred acres. Unless the property  
1467 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1468 of this section, a minimum of five hundred acres of the site must be owned by a single  
1469 individual, corporation, partnership or other legal entity and must remain under the  
1470 ownership of a single individual, corporation, partnership or other legal entity for the  
1471 duration of the operation of the camp.

1472           (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1473 owner from selling or transferring the development rights for a portion or all of the site to  
1474 the King County farmland preservation program or, if the development rights are  
1475 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1476           e. The impervious surface associated with the camp shall comprise not more  
1477 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1478           f. Structures for living quarters, dining facilities, medical facilities and other  
1479 nonagricultural camp activities shall be located in a camp center. The camp center shall

1480 be no more than fifty acres and shall depicted on a site plan. New structures for  
1481 nonagricultural camp activities shall be clustered with existing structures;

1482 g. To the extent practicable, existing structures shall be reused. The applicant  
1483 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1484 cannot be practicably accommodated within an existing structure on the site, though  
1485 cabins for campers shall be permitted only if they do not already exist on site;

1486 h. Camp facilities may be used to provide agricultural educational services to  
1487 the surrounding rural and agricultural community or for community events. If required  
1488 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1489 community events;

1490 i. Lodging and food service facilities shall only be used for activities related to  
1491 the camp or for agricultural education programs or community events held on site;

1492 j. Incidental uses, such as office and storage, shall be limited to those that  
1493 directly support camp activities, farm operations or agricultural education programs;

1494 k. New nonagricultural camp structures and site improvements shall maintain a  
1495 minimum set-back of seventy-five feet from property lines adjoining residential zones;

1496 l. Except for legal nonconforming structures existing as of January 1, 2007,  
1497 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1498 a scale to serve overnight camp users;

1499 m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1500 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1501 and site improvements located within two hundred feet of an adjacent residential zoned  
1502 property not associated with the camp;

1503 n. New sewers shall not be extended to the site;

1504 o. The total number of persons staying overnight shall not exceed three

1505 hundred;

1506 p. The length of stay for any individual overnight camper, not including camp

1507 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1508 q. Traffic generated by camp activities shall not impede the safe and efficient

1509 movement of agricultural vehicles nor shall it require capacity improvements to rural

1510 roads;

1511 r. If the site is adjacent to an arterial roadway, access to the site shall be

1512 directly onto the arterial unless the county road engineer determines that direct access is

1513 unsafe;

1514 s. If direct access to the site is via local access streets, transportation

1515 management measures shall be used to minimize adverse traffic impacts;

1516 t. Camp recreational activities shall not involve the use of motor vehicles

1517 unless the motor vehicles are part of an agricultural activity or are being used for the

1518 transportation of campers, camp personnel or the families of campers. Camp personnel

1519 may use motor vehicles for the operation and maintenance of the facility. Client-specific

1520 motorized personal mobility devices are allowed; and

1521 u. Lights to illuminate the camp or its structures shall be arranged to reflect the

1522 light away from any adjacent property.

1523 13. Limited to digester receiving plant and animal waste from agricultural

1524 activities and subject as follows:

- 1525 b. the digester must be included as part of an Washington state department of
- 1526 agriculture approved dairy nutrient plan; and
- 1527 c. the use must be accessory to an operating dairy or livestock operation.
- 1528 SECTION 25. Ordinance 10870, Section 337, as amended, and K.C.C.
- 1529 21A.08.100 are each hereby amended to read as follows:
- 1530 A. Regional land uses.

KEY		Z   O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
P-Permitted Use	A		F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use	G		O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	R		R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	I		E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	C	S	R	L		N	R	N	D	H	N	U	N	O	N	C	S
	U	T	A				V		E	B	E	N	E	N	E	E	T
	L		L				E		N	O	S	I	S	A	S		R
	T								T	R	S	T	S	L	S		I
	U								I	H		Y					A
	R								A	O							L
	E								L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
													(15)				
*	Jail						S	S	S	S	S	S	S				
*	Jail Farm/Camp	S	S		S	S											
*	Work Release Facility				S19	S19	S	S	S	S	S	S					
*	Public Agency Animal Control Facility		S		S	S					S		P				
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4				
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S										
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S				
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P				
*	Earth Station	P6b C	P		C6a	C6a	C6a	C6a	P6b	P	P	P	P				

					S	S	S	S	C				
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	<u>S23</u>
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

1531 B. Development conditions.

1532 1. Except technical institutions. See vocational schools on general services land  
1533 use table, K.C.C. 21A.08.050.

1534 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

1535 3. Except weapons armories and outdoor shooting ranges.

1536 4. Except outdoor shooting range.

1537 5. Only in conjunction with an existing or proposed school.

1538 6.a. Limited to no more than three satellite dish antennae.

1539 b. Limited to one satellite dish antenna.

1540 c. Limited to tower consolidations.

1541 7. Limited to landing field for aircraft involved in forestry or agricultural

1542 practices or for emergency landing sites.

1543 8. Except racing of motorized vehicles.

1544 9. Limited to wildlife exhibit.

1545 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

1546 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter

1547 21A.32.

1548 12. Limited to cogeneration facilities for on-site use only.

1549 13. Excluding impoundment of water using a dam.

1550 14. Limited to facilities that comply with the following:

1551 a. Any new diversion structure shall not:

1552 (1) exceed a height of eight feet as measured from the streambed; or

1553 (2) impound more than three surface acres of water at the normal maximum

1554 surface level;

1555 b. There shall be no active storage;

1556 c. The maximum water surface area at any existing dam or diversion shall not

1557 be increased;

1558                   d. An exceedance flow of no greater than fifty percent in mainstream reach  
1559 shall be maintained;

1560                   e. Any transmission line shall be limited to a:

1561                   (1) right-of-way of five miles or less; and

1562                   (2) capacity of two hundred thirty KV or less;

1563                   f. Any new, permanent access road shall be limited to five miles or less; and

1564                   g. The facility shall only be located above any portion of the stream used by  
1565 anadromous fish.

1566                   15. For I-zoned sites located outside the urban growth area designated by the  
1567 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
1568 21A.08.100A, except for waste water treatment facilities and racetracks, shall be  
1569 prohibited. All other uses, including waste water treatment facilities, shall be subject to  
1570 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1571                   16. The operator of such a facility shall provide verification to the department of  
1572 natural resources and parks or its successor organization that the facility meets or exceeds  
1573 the standards of the Animal and Plant Health Inspection Service of the United States  
1574 Department of Agriculture and the accreditation guidelines of the American Zoo and  
1575 Aquarium Association.

1576                   17. The following provisions of the table apply only to major communication  
1577 facilities minor communication facilities shall be reviewed in accordance with the  
1578 processes and standard outlined in K.C.C. chapter 21A.26.

1579                   18. Only for facilities related to resource-based research.



1580           19. Limited to work release facilities associated with natural resource-based  
1581 activities.

1582           20. Limited to projects which do not require or result in an expansion of sewer  
1583 service outside the urban growth area, unless a finding is made that no cost-effective  
1584 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1585 the needs of the school bus base and serving only the school bus base may be used.  
1586 Renovation, expansion, modernization or reconstruction of a school bus base is permitted  
1587 but shall not require or result in an expansion of sewer service outside the urban growth  
1588 area, unless a finding is made that no cost-effective alternative technologies are feasible,  
1589 in which case a tightline sewer sized only to meet the needs of the school bus base.

1590           21. Only in conformance with the King County Site Development Plan Report,  
1591 through modifications to the plan of up to ten percent are allowed for the following:

1592           a. building square footage;  
1593           b. landscaping;  
1594           c. parking;  
1595           d. building height; or  
1596           e. impervious surface.

1597           22. A special use permit shall be required for any modification or expansion of  
1598 the King County fairgrounds facility that is not in conformance with the King County  
1599 Site Development Plan Report or that exceeds the allowed modifications to the plan  
1600 identified in subsection B.21 of this section.

1601           23. The following accessory uses to a motor race track operation are allowed if  
1602 approved as part of the special use permit:

1603            a. motocross;

1604            b. autocross;

1605            c. skidpad;

1606            d. garage;

1607            e. driving school; and

1608            f. fire station.

1609            SECTION 26. Ordinance 10870, Section 340, as amended, and K.C.C.

1610            21A.12.030 are each hereby amended to read as follows:

1611            A. Densities and dimensions - residential zones.

	RESIDENTIAL													
	Z O N E S	RURAL				URB AN RE- SER VE	URBAN RESIDENTIAL							
STANDARDS	RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48	
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48	
Dwelling Unit/Acre (15)	du/a c	du/a c	du/ac	du/ac	du/ac (21)	du/ac	du/ac (6)	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac	
Maximum Density:	0.4						6	9	12	18	27	36	72	
Dwelling Unit/Acre (1)	du/a c (20)						du/ac (22) <u>8</u> du/ac (27)	du/ac <u>12</u> du/ac (27)	du/ac <u>16</u> du/ac (27)	du/ac <u>24</u> du/ac (27)	du/ac <u>36</u> du/ac (27)	du/ac <u>48</u> du/ac (27)	du/ac <u>96</u> du/ac (27)	
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)	
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac										

	RESIDENTIAL													
	Z O N E S	RURAL				URB AN RE- SER VE	URBAN RESIDENTIAL							
STANDARDS		RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Minimum Lot Width (3)		135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)		30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)		5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)		40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)		25% (11) (19) (25)	20% (11) (19) (25)	15% (11) (19) (24) (25)	12.5 % (11) (19) (25)	30% (11) (25)	30% (11) (25)	55% (25)	70% (25)	75% (25)	85% (25)	85% (25)	85% (25)	90% (25)

1612 B. Development conditions.

1613 1. This maximum density may be achieved only through the application of  
1614 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of  
1615 development rights in accordance with K.C.C. chapter 21A.37, or any combination of  
1616 density incentive or density transfer. ((Maximum density may only be exceeded in  
1617 accordance with K.C.C. 21A.34.040.F.1.g. and F.6.))

1618 2. Also see K.C.C. 21A.12.060.

1619           3. These standards may be modified under the provisions for zero-lot-line and  
1620 townhouse developments.

1621           4. Height limits may be increased if portions of the structure that exceed the  
1622 base height limit provide one additional foot of street and interior setback for each foot  
1623 above the base height limit, but the maximum height may not exceed seventy-five feet.  
1624 Netting or fencing and support structures for the netting or fencing used to contain golf  
1625 balls in the operation of golf courses or golf driving ranges are exempt from the  
1626 additional interior setback requirements but the maximum height shall not exceed  
1627 seventy-five feet, except for large active recreation and multiuse parks, where the  
1628 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball  
1629 trajectory study requires a higher fence.

1630           5. Applies to each individual lot. Impervious surface area standards for:

1631           a. Regional uses shall be established at the time of permit review;

1632           b. Nonresidential uses in residential zones shall comply with K.C.C.  
1633 21A.12.120 and 21A.12.220;

1634           c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
1635 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
1636 comparable R-6 or R-8 zone; and

1637           d. A lot may be increased beyond the total amount permitted in this chapter  
1638 subject to approval of a conditional use permit.

1639           6. Mobile home parks shall be allowed a base density of six dwelling units per  
1640 acre.

1641           7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
1642 square feet in area.

1643           8. At least twenty linear feet of driveway shall be provided between any garage,  
1644 carport or other fenced parking area and the street property line. The linear distance shall  
1645 be measured along the center line of the driveway from the access point to such garage,  
1646 carport or fenced area to the street property line.

1647           9.a. Residences shall have a setback of at least one hundred feet from any  
1648 property line adjoining A, M or F zones or existing extractive operations. However,  
1649 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
1650 existing extractive operations shall have a setback from the rear property line equal to  
1651 fifty percent of the lot width and a setback from the side property equal to twenty-five  
1652 percent of the lot width.

1653           b. Except for residences along a property line adjoining A, M or F zones or  
1654 existing extractive operations, lots between one acre and two and one-half acres in size  
1655 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
1656 to the requirements of the R-4 zone.

1657           10.a. For developments consisting of three or more single-detached dwellings  
1658 located on a single parcel, the setback shall be ten feet along any property line abutting  
1659 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
1660 K.C.C. 21A.14.190, which shall have a setback of five feet.

1661           b. For townhouse and apartment development, the setback shall be twenty feet  
1662 along any property line abutting R-1 through R-8, RA and UR zones, except for  
1663 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback

of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

1686           16. Vehicle access points from garages, carports or fenced parking areas shall  
1687 be set back from the property line on which a joint use driveway is located to provide a  
1688 straight line length of at least twenty-six feet as measured from the center line of the  
1689 garage, carport or fenced parking area, from the access point to the opposite side of the  
1690 joint use driveway.

1691           17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
1692 be clustered if the property is located within or contains:

- 1693           (1) a floodplain;
- 1694           (2) a critical aquifer recharge area;
- 1695           (3) a regionally or locally significant resource area;
- 1696           (4) existing or planned public parks or trails, or connections to such facilities;
- 1697           (5) a category type S or F aquatic area or category I or II wetland;
- 1698           (6) a steep slope; or
- 1699           (7) an urban separator or wildlife habitat network designated by the  
1700 Comprehensive Plan or a community plan.

1701           b. The development shall be clustered away from critical areas or the axis of  
1702 designated corridors such as urban separators or the wildlife habitat network to the extent  
1703 possible and the open space shall be placed in a separate tract that includes at least fifty  
1704 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
1705 homeowner's association or other suitable organization, as determined by the director,  
1706 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
1707 designated urban separators shall be placed within the open space tract to the extent

1708 possible. Passive recreation, with no development of recreational facilities, and natural-  
1709 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1710 18. See K.C.C. 21A.12.085.

1711 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
1712 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
1713 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
1714 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
1715 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
1716 maximum impervious surface area of eight percent of the gross acreage of the plat.  
1717 Distribution of the allowable impervious area among the platted lots shall be recorded on  
1718 the face of the plat. Impervious surface of roads need not be counted towards the  
1719 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
1720 more restrictive shall be required.

1721 20. This density may only be achieved on RA 2.5 zoned parcels receiving  
1722 density from rural forest focus areas through a transfer of density credit pursuant to  
1723 K.C.C. chapter 21A.37.

1724 21. Base density may be exceeded, if the property is located in a designated  
1725 rural city urban growth area and each proposed lot contains an occupied legal residence  
1726 that predates 1959.

1727 22. The maximum density is four dwelling units per acre for properties zoned  
1728 R-4 when located in the Rural Town of Fall City.

1729 23. The minimum density requirement does not apply to properties located  
1730 within the Rural Town of Fall City.



1731           24. The impervious surface standards for the county fairground facility are  
1732 established in the King County Fairgrounds Site Development Plan, Attachment A to  
1733 Ordinance 14808 on file at the department of natural resources and parks and the  
1734 department of development and environmental services. Modifications to that standard  
1735 may be allowed provided the square footage does not exceed the approved impervious  
1736 surface square footage established in the King County Fairgrounds Site Development  
1737 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance  
1738 14808, by more than ten percent.

1739           25. For cottage housing developments only:

1740           a. The base height is eighteen feet.

1741           b. Buildings have pitched roofs with a minimum slope of six and twelve may  
1742 extend up to twenty-five feet at the ridge of the roof.

1743           26. Impervious surface does not include access easements serving neighboring  
1744 property and driveways to the extent that they extend beyond the street setback due to  
1745 location within an access panhandle or due to the application of King County Code  
1746 requirements to locate features over which the applicant does not have control.

1747           27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

1748           SECTION 27. Ordinance 10870, Section 341, as amended, and K.C.C.  
1749 21A.12.040 are each hereby amended to read as follows:

1750           A. Densities and dimensions - resource and commercial/industrial zones.

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:		0.1	.0286	.0125		8 du/ac	<del>((48))</del> 48 du/ac	36 du/ac (2)	<del>((36))</del> 48	
Dwelling		du/ac	du/ac	du/ac		(2)	(2)	48 du/ac	du/ac	
Unit/Acre								<del>((48))</del> (1)	(2)	
Maximum						12 du/ac	<del>((24))</del> 72 du/ac	48 du/ac (3)	<del>((48))</del> 72	
Density:						(3)	<del>((3))</del> (16)	72 du/ac (16)	du/ac	
Dwelling						16 du/ac (15)	96 du/ac <del>((45))</del>	96 du/ac	<del>((3))</del> (16)	
Unit/Acre							(17)	<del>((45))</del> (17)	96 du/ac <del>((45))</del> (17)	
Minimum Lot		10	35	80	10					
Area		acres	acres	acres	acres					
Maximum Lot		4 to 1	4 to 1							
Depth/  Width  Ratio										
Minimum Street		30 ft	30 ft	50 ft	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Setback		(4)	(4)	(4)						
Minimum		10 ft	10 ft	100 ft	(12)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft
Interior		(4)	(4)	(4)		(14)				(7)
Setback										50 ft (8)
Base Height		35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft
(10)						45 ft (6)	60 ft (6) <u>65 ft (17)</u>	65 ft (6)	<del>((60))</del> 65 ft (6)	
Maximum						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Floor/Lot										
Ratio:										
Square Feet										

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Maximum		15%	10%	10%		85%	85%	90%	75%	90%
Impervious		35%	35%	35%						
Surface:		(11)	(11)	(11)						
Percentage										
(13)										

1751 B. Development conditions.

1752 1. ~~((Reserved.))~~ In the RB zone on property located within the Potential

1753 Annexation Area of a rural city, this density is not allowed.

1754 2. These densities are allowed only through the application of mixed-use

1755 development standards and, in the NB zone on property in the urban area designated

1756 commercial outside of center, for stand-alone townhouse development (~~((in the NB zone~~

1757 ~~on property designated commercial outside of center in the urban area))~~).

1758 3. These densities may only be achieved through the application of residential

1759 density incentives or transfer of development rights in mixed-use developments and, in

1760 the NB zone on property in the urban area designated commercial outside of center, for

1761 stand-alone townhouse development (~~((in the NB zone on property designated commercial~~

1762 ~~outside of center in the urban area))~~). See K.C.C. chapters 21A.34 and 21A.37.

1763 4.a. in the F zone, scaling stations may be located thirty-five feet from property

1764 lines. Residences shall have a setback of at least thirty feet from all property lines.

1765               b. for lots between one acre and two and one half acres in size, the setback  
1766 requirements of the R-1 zone shall apply. For lots under one acre, the setback  
1767 requirements of the R-4 zone shall apply.

1768               c. for developments consisting of three or more single-detached dwellings  
1769 located on a single parcel, the setback shall be ten feet along any property line abutting  
1770 R-1 through R-8, RA and UR zones.

1771               5. Gas station pump islands shall be placed no closer than twenty-five feet to  
1772 street front lines.

1773               6. This base height allowed only for mixed-use developments and for stand-  
1774 alone townhouse development in the NB zone on property designated commercial outside  
1775 of center in the urban area.

1776               7. Required on property lines adjoining residential zones.

1777               8. Required on property lines adjoining residential zones for industrial uses  
1778 established by conditional use permits.

1779               9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.  
1780 chapter 21A.14.

1781               10. Height limits may be increased if portions of the structure building that  
1782 exceed the base height limit provide one additional foot of street and interior setback for  
1783 each foot above the base height limit, provided the maximum height may exceed seventy-  
1784 five feet only in mixed use developments. Netting or fencing and support structures for  
1785 the netting or fencing used to contain golf balls in the operation of golf courses or golf  
1786 driving ranges are exempt from the additional interior setback requirement provided that  
1787 the maximum height shall not exceed seventy-five feet.

1788           11. Applicable only to lots containing less than one acre of lot area.

1789       Development on lots containing less than fifteen thousand square feet of lot area shall be

1790       governed by impervious surface standards of the nearest comparable R-4 through R-8

1791       zone.

1792           12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

1793           13. The impervious surface area for any lot may be increased beyond the total

1794       amount permitted in this chapter subject to approval of a conditional use permit.

1795           14. Required on property lines adjoining residential zones unless a stand-alone

1796       townhouse development on property designated commercial outside of center in the

1797       urban area is proposed to be located adjacent to property upon which an existing

1798       townhouse development is located.

1799           15. Only as provided for walkable communities under K.C.C. 21A.34.040F.8

1800       well-served by transit or for mixed-use development through the application of

1801       residential density incentives under K.C.C. 21A.34.040.F.1.g. ((In the RB zone on

1802       property located within urban growth area of a rural city, this density is not allowed.))

1803           16. Only for mixed-use development through the application of residential

1804       density incentives under K.C.C. chapter 21A.34 or the transfer of development rights

1805       under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential

1806       Annexation Area of a rural city, this density is not allowed.

1807           17. Only for mixed-use development through the application of residential

1808       density incentives through the application of residential density incentives under K.C.C.

1809       chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

1810       Upper-level setbacks are required for any facade facing a pedestrian street for any portion

1811 \_\_\_\_\_  
1812 least one foot for every two feet of height above forty-five feet, up to a maximum  
1813 required setback of fifteen feet. The first four feet of horizontal projection of decks,  
1814 balconies with open railings, eaves, cornices, and gutters shall be permitted in required  
1815 setbacks. In the RB zone on property located within the Potential Annexation Area of a  
1816 rural city, this density is not allowed.

1817 SECTION 28. Ordinance 10870, Section 354, as amended, and K.C.C.

1818 21A.12.170 are each hereby amended to read as follows:

1819 Provided that the required setbacks from regional utility corridors of K.C.C.

1820 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.

1821 21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained,

1822 structures may extend into or be located in required setbacks, including setbacks as

1823 required by K.C.C. 21A.12.220.B, as follows:

1824 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,

1825 or similar structures may project into any setback, provided such projections are:

1826 1. Limited to two per facade;

1827 2. Not wider than ten feet; and

1828 3. Not more than twenty-four inches into an interior setback or thirty inches into  
1829 a street setback;

1830 B. Uncovered porches and decks that exceed eighteen inches above the finished  
1831 grade may project:

1832 1. Eighteen inches into interior setbacks; and

1833 2. Five feet into the street setback;

1834 C. Uncovered porches and decks not exceeding eighteen inches above the  
1835 finished grade may project to the property line;

1836 D. Eaves may not project more than:

1837 1. Eighteen inches into an interior setback;

1838 2. Twenty-four inches into a street setback; or

1839 3. Eighteen inches across a lot line in a zero-lot-line development;

1840 E. Fences with a height of six feet or less may project into or be located in any  
1841 setback;

1842 F. Rockeries, retaining walls and curbs may project into or be located in any  
1843 setback. ~~((provided))~~ Except for structures that cross the setback perpendicularly to  
1844 property lines or that abut a critical area, these structures:

1845 1. ~~((Do not))~~ Shall not exceed a height of six feet in the R-1 through R-18, UR,  
1846 RA and resource zones;

1847 2. ~~((Do not))~~ Shall not exceed a height of eight feet in the R-24 and R-48 zones;  
1848 and

1849 3. ~~((Do not))~~ Shall not exceed the building height for the zone in  
1850 commercial/industrial zones, measured in accordance with the standards established in  
1851 the King County Building Code, Title 16;

1852 G. Fences located on top of rockeries, retaining walls or berms are subject to the  
1853 requirements of K.C.C. 21A.14.220;

1854 H. Telephone, power, light and flag poles;

1855 I. The following may project into or be located within a setback, but may only  
1856 project into or be located within a five foot interior setback area if an agreement

1857 documenting consent between the owners of record of the abutting properties is recorded  
1858 with the King County department of records and elections prior to the installment or  
1859 construction of the structure:

1860           1. Sprinkler systems, electrical and cellular equipment cabinets and other  
1861 similar utility boxes and vaults;  
1862           2. security system access controls;  
1863           3. structures, except for buildings, associated with trails and on-site recreation  
1864 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as  
1865 benches, picnic tables and drinking fountains; and

1866           4. Surface water management facilities as required by K.C.C. 9.04;

1867           J. Mailboxes and newspaper boxes may project into or be located within street  
1868 setbacks;

1869           K. Fire hydrants and associated appendages;

1870           L. Metro bus shelters may be located within street setbacks;

1871           M. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument  
1872 signs four feet or less in height, with a maximum sign area of twenty square feet may  
1873 project into or be located within street setbacks;

1874           N. On a parcel in the RA zone, in the interior setback that adjoins a property  
1875 zoned NB or CB, structures housing refrigeration equipment that extends no more than  
1876 ten feet into the setback and is no more than sixty feet in length; and

1877           O. Stormwater conveyance and control facilities, both above and below ground,  
1878 provided such projections are:



1. Consistent with setback, easement and access requirements specified in the Surface Water Design Manual; or

2. In the absence of said specifications, not within five feet of the property line.

SECTION 29. Ordinance 10870, Section 358 and K.C.C. 21A.12.210 are each hereby amended to read as follows:

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to ~~((all))~~ new or reconstructed intersections and ~~((site))~~ driveway access points on local access streets. Sight distance requirements for arterial and neighborhood collector intersections are specified in the King County road standards:

A. A sight distance triangle area as determined by Section 21A.12.210B shall contain no fence, berm, vegetation other than narrow tree trunks, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade;

(NOTE: ILLUSTRATION DELETED)

**NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.**

B. The sight distance triangle ~~((at))~~ requirements for new or reconstructed intersections and driveway connections to local access streets are defined as follows:

1. ~~((A))~~ Except where a twenty-five foot property line radius exists at an intersection, a sight distance triangle at a street intersection shall be determined by measuring ~~((15))~~ fifteen feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the

1902 first two sides of the triangle. Where a twenty-five foot property line radius or larger  
1903 radius is present at an intersection, the King County road standards shall govern the  
1904 placement of objects that may obscure sight distance; or

1905 2. A ~~((site))~~ driveway access point shall be determined by measuring ~~((15))~~  
1906 fifteen feet along the street lines and ~~((15))~~ fifteen feet along the edges of the driveway  
1907 beginning at the respective points of intersection. The third side of each triangle shall be  
1908 a line connecting the endpoints of the first two sides of each triangle; and

1909 C. The ~~((director))~~ development engineer may require modification or removal of  
1910 structures or landscaping located in required street setbacks or relocate the driveway  
1911 connection, if:

1912 1. Such improvements prevent adequate sight distance to drivers entering or  
1913 leaving a driveway, and,

1914 2. No reasonable driveway relocation alternative for an adjoining lot is feasible.

1915 NEW SECTION. SECTION 30. A new section is hereby added to K.C.C. chapter  
1916 21A.12 to read as follows:

1917 The minimum width for a joint use driveway and easement on private property  
1918 shall be sixteen feet, except as otherwise provided in the King County road standards.

1919 NEW SECTION. SECTION 31. A new section is hereby added to K.C.C. chapter  
1920 21A.12 to read as follows:

1921 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the  
1922 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a  
1923 conditional use, subject to the following requirements:

1924 A. The site shall be zoned R-4 through R-48;

1925           B. The establishment shall be located within one-quarter mile of a rural town,  
1926   unincorporated activity center, community business center or neighborhood business  
1927   center and less than one mile from another commercial establishment;

1928           C. The establishment shall be located in a legally established single family  
1929   dwelling in existence on or before January 1, 2008. The structure may not be expanded  
1930   by more than ten percent as provided in K.C.C. 21A.30.xxx for the expansion of legally  
1931   established nonconforming uses;

1932           D. The maximum on-site parking ratio for establishments and sites shall be 2 per  
1933   1000 square feet and required parking shall not be located between the building and the  
1934   street; and

1935           E. Sign and landscaping standards for the use apply.

1936           SECTION 32. Ordinance 10870, Section 364, as amended, and K.C.C.  
1937   21A.14.040 are each hereby amended to read as follows:

1938           Residential lot clustering is allowed in the R, UR and RA zones. If residential lot  
1939   clustering is proposed, the following requirements shall be met:

1940           A. In the R zones, any designated open space tract resulting from lot clustering  
1941   shall not be altered or disturbed except as specified on recorded documents creating the  
1942   open space. Open spaces may be retained under ownership by the subdivider, conveyed  
1943   to residents of the development or conveyed to a third party. If access to the open space  
1944   is provided, the access shall be located in a separate tract;

1945           B. In the RA zone:

1946           1. No more than eight lots of less than two and one-half acres shall be allowed  
1947   in a cluster;

1948           2. No more than eight lots of less than two and one-half acres shall be served by  
1949 a single cul-de-sac street;

1950           3. Clusters containing two or more lots of less than two and one-half acres,  
1951 whether in the same or adjacent developments, shall be separated from similar clusters by  
1952 at least one hundred twenty feet;

1953           4. The overall amount, and the individual degree of clustering shall be limited to  
1954 a level that can be adequately served by rural facilities and services, including, but not  
1955 limited to, on-site sewage disposal systems and rural roadways;

1956           5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,  
1957 shall be provided along the frontage of all public roads. The planting materials shall  
1958 consist of species that are native to the Puget Sound region. Preservation of existing  
1959 healthy vegetation is encouraged and may be used to augment new plantings to meet the  
1960 requirements of this section;

1961           6. Except as provided in subsection B.7. of this section, open space tracts  
1962 created by clustering in the RA zone shall be designated as permanent open space.  
1963 Acceptable uses within open space tracts are passive recreation, with no development of  
1964 active recreational facilities, natural-surface pedestrian and equestrian foot trails and  
1965 passive recreational facilities. A resource tract created under K.C.C. 16.82.152.E. may be  
1966 considered an open space tract for purposes of this subsection B.6;

1967           7. In the RA zone a resource land tract may be created through a cluster  
1968 development in lieu of an open space tract. A resource tract created under K.C.C.  
1969 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7. The

1970 resource land tract may be used as a working forest or farm if the following provisions  
1971 are met:

1972           a. Appropriateness of the resource land tract for forestry or agriculture has  
1973 been determined by the county;

1974           b. The subdivider shall prepare a forest management plan, that must be  
1975 reviewed and approved by the King County department of natural resources and parks, or  
1976 a farm management plan, if a plan is required under K.C.C. chapter 21A.30, that must be  
1977 developed by the King Conservation District. The criteria for management of a resource  
1978 land tract established through a cluster development in the RA zone shall be set forth in a  
1979 public rule. The criteria must assure that forestry or farming will remain as a sustainable  
1980 use of the resource land tract and, except as otherwise provided for resource tracts created  
1981 pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and  
1982 agriculture may be allowed in the resource land tract. The criteria must also set  
1983 impervious surface and clearing limitations and identify the type of buildings or  
1984 structures that will be allowed within the resource land tract;

1985           c. The recorded plat or short plat shall designate the resource land tract as a  
1986 working forest or farm;

1987           d. Resource land tracts that are conveyed to residents of the development shall  
1988 be retained in undivided interest by the residents of the subdivision or short subdivision;

1989           e. A homeowners association shall be established to assure implementation of  
1990 the forest management plan or farm management plan if the resource land tract is retained  
1991 in undivided interest by the residents of the subdivision or short subdivision;

1992                   f. The subdivider shall file a notice with the King County department of  
1993 executive services, records, elections and licensing services division. The required  
1994 contents and form of the notice shall be set forth in a public rule. The notice shall inform  
1995 the property owner or owners that the resource land tract is designated as a working  
1996 forest or farm, that must be managed in accordance with the provisions established in the  
1997 approved forest management plan or farm management plan;

1998                   g. The subdivider shall provide to the department proof of the approval of the  
1999 forest management plan or farm management plan and the filing of the notice required in  
2000 subsection B.7.f. of this section before recording of the final plat or short plat;

2001                   h. The notice shall run with the land; and

2002                   i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and  
2003 passive recreational facilities, with no development of active recreational facilities, are  
2004 allowed uses in resource land tracts; and

2005                   8. The requirements of subsection B.1., 2., or 3. of this subsection may be  
2006 modified or waived by the director if the property is encumbered by critical areas  
2007 containing habitat for, or there is the presence of, species listed as threatened or  
2008 endangered under the Endangered Species Act when it is necessary to protect the habitat;  
2009 and

2010                   C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
2011 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
2012 required by the comprehensive plan, or subarea plans or open space functional plans, to  
2013 connect and increase protective buffers for critical areas, to connect and protect wildlife  
2014 habitat corridors designated by the comprehensive plan and to connect existing or

planned public parks or trails. The department may require open space tracts created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. In the absence of such a requirement, open space tracts shall be retained in undivided interest by the residents of the subdivision or short subdivision. A homeowners association shall be established for maintenance of the open space tract.

SECTION 33. Ordinance 10870, Section 382, as amended, and K.C.C. 21A.14.220 are each hereby amended to read as follows:

Fences are permitted as follows:

A. Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located, except((;)):

1. Fences located on a rockery, retaining wall, or berm within a required setback area are permitted subject to the following requirements;

a. In R-1 through R-18, UR, RA and the resource zones:

(1) The total height of the fence and the rockery, retaining wall or berm upon which the fence is located shall not exceed a height of ten feet. This height shall be measured from the top of the fence to the ground on the low side of the rockery, retaining wall or berm; and

(2) The total height of the fence itself, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

b. In the R-24, R-48 and commercial/industrial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

2038 c. Any portion of the fence above a height of eight feet, measured to include  
2039 both the fence and the rockery, retaining wall, or berm (as described in a1. above), shall  
2040 be an open-work fence.

2041 d. The height limitation of this subsection may be exceeded where walls with  
2042 fences cross a setback perpendicularly or abut a critical area tract established under  
2043 K.C.C. chapter 21A.24.

2044 B. Fences located on a rockery, retaining wall or berm outside required setback  
2045 areas shall not exceed the building height for the zone, measured in accordance with the  
2046 standards established in the King County Building Code, Title 16.

2047 C. Electric fences shall:

2048 1. Be permitted in all zones, provided that when placed within R-4 through R-48  
2049 zones, additional fencing or other barriers shall be constructed to prevent inadvertent  
2050 contact with the electric fence from abutting property;

2051 2. Comply with the following requirements:

2052 a. An electric fence using an interrupted flow of current at intervals of about  
2053 one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

2054 b. An electric fence using continuous current shall be limited to 1,500 volts at  
2055 seven milliamp;

2056 c. All electric fences in the R-4 through R-48 zones shall be posted with  
2057 permanent signs a minimum of 36 square inches in area at 50 foot intervals stating that  
2058 the fence is electrified; and



d. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and

D. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-48 zone.

SECTION 34. Ordinance 10870, Section 390, as amended, and K.C.C. 21A.16.050 are each hereby amended to read as follows:

The average width of perimeter landscaping along street frontages shall be provided as follows:

A. Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;

B. Ten feet of Type II landscaping shall be provided for an industrial development;

C. Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right-of-way;

D. Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and

E. For single family subdivisions and short subdivisions in the urban growth area:

1. Trees shall be planted at the rate of one tree for every forty feet of frontage along all public streets;

2. The trees shall be:

- 2082                   a. Located within the street right-of-way if permitted by the custodial state or  
2083 local agency;
- 2084                   b. No more than twenty feet from the street right-of-way line if located within  
2085 a lot;
- 2086                   c. Maintained by the adjacent landowner unless part of a county maintenance  
2087 program; and
- 2088                   d. A species approved by the county if located within the street right-of way  
2089 and compatible with overhead utility lines.
- 2090                   3. The trees may be spaced at irregular intervals to accommodate sight distance  
2091 requirements for driveways and intersections.

2092                   SECTION 35. Ordinance 10870, Section 407, as amended, and K.C.C.

2093 21A.18.030 are each hereby amended to read as follows:

- 2094                   A. Except as modified in K.C.C. 21A.18.070B-D, off-street parking areas shall  
2095 contain at a minimum the number of parking spaces as stipulated in the following table.  
2096 Off-street parking ratios expressed as number of spaces per square feet means the usable  
2097 or net square footage of floor area, exclusive of non-public areas. Non-public areas  
2098 include but are not limited to building maintenance areas, storage areas, closets or  
2099 restrooms. If the formula for determining the number of off-street parking spaces results  
2100 in a fraction, the number of off-street parking spaces shall be rounded to the nearest  
2101 whole number with fractions of .50 or greater rounding up and fractions below .50  
2102 rounding down.

2103

<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RESIDENTIAL (K.C.C. 21A.08.030A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities

Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/ <u>paintball</u>	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>GENERAL SERVICES (K.C.C. 21A.08.050A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	

Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area

Warehousing and storage	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080A):</b>	
Manufacturing uses	.9 per 1,000 square feet

Winery/Brewery	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
<b>RESOURCES (K.C.C. 21A.08.090A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100A):</b>	
Regional uses	(director)

2104 B. An applicant may request a modification of the minimum required number of  
2105 parking spaces by providing that parking demand can be met with a reduced parking  
2106 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
2107 the minimum required number of spaces.

2108 C. When the county has received a shell building permit application, off-street  
2109 parking requirements shall be based on the possible tenant improvements or uses  
2110 authorized by the zone designation and compatible with the limitations of the shell  
2111 permit. When the range of possible uses result in different parking requirements, the  
2112 director will establish the amount of parking based on a likely range of uses.

2113 D. Where other provisions of this code stipulate maximum parking allowed or  
2114 reduced minimum parking requirements, those provisions shall apply.

2115 E. In any development required to provide six or more parking spaces, bicycle  
2116 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
2117 facilities unless otherwise specified.

2118           1. Off-street parking areas shall contain at least one bicycle parking space for  
2119 every twelve spaces required for motor vehicles except as follows:

2120           a. The director may reduce bike rack parking facilities for patrons when it is  
2121 demonstrated that bicycle activity will not occur at that location.

2122           b. The director may require additional spaces when it is determined that the  
2123 use or its location will generate a high volume of bicycle activity. Such a determination  
2124 will include but not be limited to the following uses:

2125           (1) Park/playfield,

2126           (2) Marina,

2127           (3) Library/museum/arboretum,

2128           (4) Elementary/secondary school,

2129           (5) Sports club, or

2130           (6) Retail business (when located along a developed bicycle trail or  
2131 designated bicycle route).

2132           2. Bicycle facilities for patrons shall be located within 100 feet of the building  
2133 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
2134 structure attached to the pavement.

2135           3. All bicycle parking and storage shall be located in safe, visible areas that do  
2136 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

2137           4. When more than ten people are employed on site, enclosed locker-type  
2138 parking facilities for employees shall be provided. The director shall allocate the  
2139 required number of parking spaces between bike rack parking and enclosed locker-type  
2140 parking facilities.



2141           5. One indoor bicycle storage space shall be provided for every two dwelling  
2142 units in townhouse and apartment residential uses, unless individual garages are provided  
2143 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
2144 storage facilities are available to all residents.

2145           SECTION 36. Ordinance 10870, Section 422 and K.C.C. 21A.20.040 are each  
2146 hereby amended to read as follows:

2147           Except as ~~((indicated))~~ otherwise specifically allowed by this chapter, the  
2148 following signs or displays are prohibited:

2149           A. Portable signs including, but not limited to, sandwich/A-frame signs and  
2150 mobile readerboard signs, and excluding signs permitted under K.C.C. 21A.20.120;

2151           B. Private signs on utility poles;

2152           C. Signs which, by reason of their size, location, movement, content, coloring or  
2153 manner of illumination may be confused with traffic control signs or signals;

2154           D. Signs located in the public right-of-way~~((, except where permitted in this~~  
2155 ~~chapter))~~); and

2156           E. Posters, pennants, string of lights, blinking lights, balloons, searchlights and  
2157 other displays of a carnival nature; except as architectural features, or on a limited basis  
2158 as seasonal decorations or as provided for in Section 21A.20.120 as grand opening  
2159 displays.

2160           F. Changing message center signs~~((, where the message changes more frequently~~  
2161 ~~than every three minutes))~~).

2162           SECTION 37. Ordinance 10870, Section 424, as amended, and K.C.C.  
2163 21A.20.060 are each hereby amended to read as follows:

2164           A. All signs, except billboards, community bulletin boards, community  
2165 identification signs, political signs, real estate signs and special event signs, shall be on-  
2166 premise signs, except that uses located on lots without public street frontage in business,  
2167 office and industrial zones may have one off-premise directional sign of no more than  
2168 sixteen square feet.

2169           B. Fuel price signs shall not be included in sign area or number limitations of  
2170 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
2171 not exceed twenty square feet per street frontage.

2172           C. Except as otherwise provided in K.C.C. 21A.20.115, projecting and awning  
2173 signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in  
2174 the Resource and Residential zones. In other zones, projecting and awning signs and  
2175 signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only  
2176 if:

- 2177           1. They maintain a minimum clearance of eight feet above finished grade;  
2178           2. They do not project more than six feet perpendicular from the supporting  
2179 building facade;  
2180           3. They meet the standards of K.C.C. 21A.20.060J. if mounted on the roof of a  
2181 building; and  
2182           4. They shall not exceed the number or size permitted for wall signs in a zone.

2183           D. Changing message center signs, and time and temperature signs, which can be  
2184 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding  
2185 sign, and shall be permitted only in the NB, CB, RB, O and I zones. Changing message

center signs and time and temperature signs shall not exceed the maximum sign height permitted in the zone.

E. Directional signs shall not be included in the sign area or number limitation of K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. Regarding sign illumination and glare:

1. All signs (~~((in the NB, CB, RB, O or I zone districts))~~) may be illuminated;  
2. (~~((Signs in all other zones may be indirectly illuminated, provided t))~~)The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;

~~((2-))~~ Indirectly and directly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.

3. Electrical requirements for signs shall be governed by chapter 19.28 RCW and WAC 296-46-910; and

4. Signs with an on/off operation shall be permitted only in the CB, RB and I zones.

G. Maximum height for wall signs shall not extend above the highest exterior wall or structure upon which the sign is located.

H. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.

2208 I. Maximum height for awning signs shall not extend above the height of the  
2209 awning upon which the awning sign is located.

2210 J. Any sign attached to the sloping surface of a roof shall be installed or erected  
2211 in such a manner that there are no visible support structures, shall appear to be part of the  
2212 building itself, and shall not extend above the roof ridge line of the portion of the roof  
2213 upon which the sign is attached.

2214 K. Except as otherwise permitted by this chapter, off-premise directional signs  
2215 shall not exceed four square feet in sign area.

2216 L. Mixed use developments in the NB, CB, RB or O zones are permitted one  
2217 permanent residential identification sign not exceeding thirty-two square feet in addition  
2218 to the maximum sign area requirements in the zone where the mixed use development is  
2219 located.

2220 SECTION 38. Ordinance 10870, Section 427, as amended, and K.C.C.

2221 21A.20.080 are each hereby amended to read as follows:

2222 Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA  
2223 zones are limited as follows:

2224 A. Nonresidential use:

2225 1. One sign identifying nonresidential uses, not exceeding twenty-five square  
2226 feet and not exceeding six feet in height is permitted;

2227 2. Schools are permitted one sign per school or school facility entrance, which  
2228 may be located in the setback. Two additional wall signs attached directly to the school  
2229 or school facility are permitted;

2230 3. Home occupation and home industry signs are limited to:

2231           a. wall signs not exceeding ~~((six square feet))~~ ten percent of the building façade  
2232 on which they are located; and

2233           b. one freestanding sign not exceeding six square feet for each street frontage of  
2234 at least one-hundred feet.

2235           B. Residential use:

2236           1. One residential identification sign not exceeding two square feet is permitted;  
2237 and

2238           2. One permanent residential development identification sign not exceeding  
2239 thirty-two square feet is permitted ~~((per))~~ for each entrance into a development. The  
2240 maximum height for the sign shall be six feet. The sign may be freestanding or mounted  
2241 on a wall, fence or other structure.

2242           SECTION 39. Ordinance 10870, Section 432, as amended, and K.C.C.

2243 21A.20.120 are each hereby amended to read as follows:

2244           The following temporary signs or displays are permitted and except as required by  
2245 the ~~((Uniform Building Code))~~ K.C.C. Title 16, or as otherwise permitted in this chapter,  
2246 do not require building permits:

2247           A. Grand opening displays:

2248           1. Signs, posters, pennants, strings of lights, blinking lights, balloons and  
2249 searchlights are permitted for a period of up to one month to announce the opening of a  
2250 new enterprise or the opening of an enterprise under new management; and

2251           2. All grand opening displays shall be removed upon the expiration of 30  
2252 consecutive days;

2253           B. Construction signs:

2254           1. Construction signs identifying architects, engineers, planners, contractors or  
2255 other individuals or firms involved with the construction of a building and announcing  
2256 the character of the building or the purpose for which the building is intended may be  
2257 displayed;

2258           2. One nonilluminated, double-faced sign is permitted for each public street  
2259 upon which the project fronts;

2260           3. No sign shall exceed 32 square feet in surface area or ten feet in height, or be  
2261 located closer than 30 feet from the property line of the adjoining property; and

2262           4. Construction signs must be removed by the date of first occupancy of the  
2263 premises or one year after placement of the sign, whichever occurs first;

2264           C. Political Signs:

2265           1. Signs, posters or bills promoting or publicizing candidates for public office or  
2266 issues that are to be voted upon in a general or special election may be displayed on  
2267 private property with the consent of the property owner. Any such sign, poster or bill  
2268 shall be removed within ten days following the election; and

2269           2. No sign, poster, bill or other advertising device shall be located on public  
2270 property or within public easements or street right-of-way;

2271           D. Real estate signs. All temporary real estate signs may be single or double-  
2272 faced signs:

2273           1. Signs advertising an individual residential unit for sale or rent shall be limited  
2274 to one sign per street frontage. The sign may not exceed eight square feet in area, and  
2275 shall not exceed six feet in height. The sign shall be removed within five days after  
2276 closing of the sale, lease or rental of the property.

2277           2. Portable off-premise residential directional signs announcing directions to an  
2278 open house at a specified residence which is offered for sale or rent shall not exceed six  
2279 square feet in area for each sign, and shall not exceed 42 inches in height. Such signs  
2280 shall be permitted only when the agent or seller is in attendance at the property for sale or  
2281 rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

2282           3. On-site commercial or industrial property for sale or rent signs shall be  
2283 limited to one sign per street frontage, and shall not exceed 32 square feet in area. The  
2284 sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after  
2285 closing of the sale, lease or rental of the property. A building permit is required and shall  
2286 be issued for a one year period. The permit is renewable for one year increments up to a  
2287 maximum of three years.

2288           4. On-site residential development for sale or rent signs shall be limited to one  
2289 sign per development. The sign shall not exceed 32 square feet in area, and shall not  
2290 exceed 12 feet in height. A building permit is required and shall be issued for a one year  
2291 period. The permit is renewable annually for up to a maximum of three years.

2292           5. Off-site directional signs for residential developments shall be limited to six  
2293 signs. Each sign shall not exceed 16 square feet in area, and shall include only the name  
2294 of and directions to the residential development. The sign(s) shall be placed a maximum  
2295 of two road miles from the nearest residential development entrance. No two signs for  
2296 one residential development shall be located closer than 500 feet from one another on the  
2297 same street. A single building permit is required for all signs and shall be issued for a  
2298 one year period. The permit number and the permit expiration date must be clearly  
2299 displayed on the face of each sign. The permit is renewable for one year increments up to

a maximum of three years, provided that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.

6. Residential on-premise informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height.

E. Community event signs:

1. Community event signs shall be limited to announcing or promoting a non-profit sponsored community fair, festival or event;

2. Community event signs may be displayed no more than the time period specified in the temporary use permit issued pursuant to K.C.C. 21A.44. Community event signs that do not require a temporary use permit shall not be displayed earlier than one month before the event; and

3. Community event signs shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event.

SECTION 40. Ordinance 13022, Section 26 and K.C.C. 21A.20.190 are each hereby amended to read as follows:

Community identification signs are permitted subject to the following provisions:

A. Only Unincorporated Activity Centers, urban planned developments or Rural Towns, designated and delineated by the comprehensive plan, or specific geographic areas (communities) recognized and delineated by a recognized unincorporated area council, are eligible to be identified with community identification signs. Identification signs for Unincorporated Activity Centers, urban planned developments or Rural Towns



2323 shall be placed along the boundaries identified by the comprehensive plan. Identification  
2324 signs for specific geographic areas (communities) recognized and delineated by a  
2325 recognized unincorporated area council shall be placed along the boundaries delineated  
2326 by the unincorporated area council.

2327 B. Two types of community identification signs are permitted. Primary signs are  
2328 intended to mark the main arterial street entrances to a designated community,  
2329 Unincorporated Activity Center, urban planned development or Rural Town. Auxiliary  
2330 signs are intended to mark entrances to a designated community, Unincorporated Activity  
2331 Center, urban planned development or Rural Town along local access streets.

2332 C. Primary signs are subject to the following provisions:

2333 1. No more than four primary signs shall be allowed per Unincorporated Activity  
2334 Center, urban planned development, Rural Town or designated community, unless a  
2335 recognized unincorporated area council permits up to two additional primary signs.

2336 2. Each primary sign shall be no more than thirty-two square feet in area and no  
2337 more than six feet in height, except that a recognized unincorporated area council may  
2338 permit consolidation of two primary signs into one larger sign no more than sixty-four  
2339 square feet in area and no more than fifteen feet in height, to be located only in  
2340 commercial/industrial zones.

2341 3. Primary signs shall only be located along arterial streets, outside of the right-  
2342 of-way.

2343 D. Auxiliary community identification signs are subject to the following  
2344 provisions:

2345           1. There shall be no limits on the number of auxiliary community identification  
2346 signs allowed per Unincorporated Activity Center, urban planned development, Rural  
2347 Town, or designated community.

2348           2. Each auxiliary sign shall be no more than two (~~((2))~~) square feet, and shall be  
2349 located only outside of the right-of-way.

2350           E. No commercial advertisement shall be permitted on either primary or auxiliary  
2351 signs except as follows:

2352           1. When located on property within the RA, UR, R1-8 and R12-48 zones, signs  
2353 may have a logo or other symbol of a community service or business group (e.g. Kiwanis,  
2354 Chamber of Commerce, etc.) sponsoring construction of the signs(s). Any permitted logo  
2355 or symbol shall be limited to an area of no more than two square feet on primary signs  
2356 and no more than seventy-two square inches on auxiliary signs; or

2357           2. When located on properties within the NB, CB, RB, O and I zones, signs  
2358 may have a logo or other symbol of the company, community service or business group  
2359 sponsoring construction of the sign(s). Any permitted logo or symbol shall be limited to  
2360 an area of no more than four square feet on primary signs and no more than seventy-two  
2361 square inches on auxiliary signs.

2362           F. Community identification signs shall be exempt from the provisions of K.C.C.  
2363 21A.20.060.A that require signs to be on-premise.

2364           SECTION 41 Ordinance 15051, Section 137 and K.C.C. 21A.24.045 are each  
2365 hereby amended to read as follows:

2366           A. Within the following seven critical areas and their buffers all alterations are  
2367 allowed if the alteration complies with the development standards, impact avoidance and  
2368 mitigation requirements and other applicable requirements established in this chapter:

- 2369           1. Critical aquifer recharge area,
- 2370           2. Coal mine hazard area;
- 2371           3. Erosion hazard area;
- 2372           4. Flood hazard area except in the severe channel migration hazard area;
- 2373           5. Landslide hazard area under forty percent slope;
- 2374           6. Seismic hazard area; and
- 2375           7. Volcanic hazard areas.

2376           B. Within the following seven critical areas and their buffers, unless allowed as  
2377 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
2378 subsection C. of this section are allowed if the alteration complies with conditions in  
2379 subsection D. of this section and the development standards, impact avoidance and  
2380 mitigation requirements and other applicable requirements established in this chapter:

- 2381           1. Severe channel migration hazard area;
- 2382           2. Landslide hazard area over forty percent slope;
- 2383           3. Steep slope hazard area;
- 2384           4. Wetland;
- 2385           5. Aquatic area;
- 2386           6. Wildlife habitat conservation area; and
- 2387           7. Wildlife habitat network.

2388 C. In the following table where an activity is included in more than one activity  
 2389 category, the numbered conditions applicable to the most specific description of the  
 2390 activity governs. Where more than one numbered condition appears for a listed activity,  
 2391 each of the relevant conditions specified for that activity within the given critical area  
 2392 applies. For alterations involving more than one critical area, compliance with the  
 2393 conditions applicable to each critical area is required.  
 2394

<b>KEY</b> Letter "A" in a cell means alteration is allowed  A number in a cell means the corresponding numbered condition in subsection D. applies  "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	B U F F E R	A Q U A T I C A R E A N D	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
	<b>ACTIVITY</b>										
<b>Structures</b>											
Construction of new single detached dwelling unit					A 1		A 2				
Construction of nonresidential structure					A 3		A 3			A 3, 4	
Maintenance or repair of existing structure	A 5		A		A		A			A 4	
Expansion or replacement of existing structure	A 5, 7		A 5, 7		A 7, 8		A 6, 7, 8			A 4, 7	
Interior remodeling	A		A		A		A			A	
Construction of new dock or pier					A 9		A 9, 10, 11				
Maintenance, repair or replacement of dock or pier					A 12		A 10, 11			A 4	

<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	<u>A22</u>	<u>A22</u>	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
<u>Construction of new road in a plat</u>			<u>A26</u>	<u>A26</u>	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, <del>((or))</del> farm field access drive <u>or</u>	A	A	A 17	A 17	A 17, 27

<u>parking lot</u>					
<u>Construction of a bridge or culvert as part of a driveway or private access road</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A <u>16, 17</u>	A <u>16, 17</u>	A <u>16, 17, 31</u>	A <u>16, 17, 31</u>	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
<u>Construction of a new residential utility service distribution line</u>	<u>A 32, 33</u>	<u>A 32, 33</u>	<u>A 32, 60</u>	<u>A 32, 60</u>	<u>A 27, 32, 60</u>
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A <u>32, 33</u>	A <u>32, 33</u>	A <u>32, 38</u>	A 32, (( <del>39</del> )) <u>38</u>	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, (( <del>39</del> )) <u>38</u>	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of	A 33, 43	A 33, 43	A 43	A 43	A 27, 43

flood protection facility					
<u>Flood risk reduction gravel removal</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<del>((Construction of new stream bank or channel stabilization and maintenance of existing stream bank or channel stabilization</del>				<del>A 27, 42, 43</del>	<del>A 4, 27, 42, 43))</del>
<b>Recreation ((areas))</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, <u>education</u> and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
<u>Environmental education project</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	

Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden((ing)) for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

2395 D. The following alteration conditions apply:

2396 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
2397 limitations of subsection D.3. of this section.

2398 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
2399 created before January 1, 2005, if:

2400 a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
2401 seventy-five percent of the lake frontage, whichever constitutes the most developable  
2402 lake frontage, has existing density of four dwelling units per acre or more;

2403 b. the development proposal, including mitigation required by this chapter, will  
2404 have the least adverse impact on the critical area;

2405 c. existing native vegetation within the critical area buffer will remain  
2406 undisturbed except as necessary to accommodate the development proposal and required  
2407 building setbacks;



2408 d. access is located to have the least adverse impact on the critical area and  
2409 critical area buffer;

2410 e. the alteration is the minimum necessary to accommodate the development  
2411 proposal and in no case in excess of a development footprint of five thousand square feet;

2412 f. the alteration does not exceed the residential development setbacks required  
2413 under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer  
2414 than:

2415 (1) twenty-five feet of the ordinary high water mark of a lake shoreline  
2416 designated urban under K.C.C. chapter 25.16;

2417 (2) fifty feet of the ordinary high water mark of a lake shoreline designated  
2418 rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

2419 (3) one hundred feet of the ordinary high water mark of a lake shoreline  
2420 designated natural under K.C.C. chapter 25.28; and

2421 g. to the maximum extent practical, alterations are mitigated on the  
2422 development proposal site by enhancing or restoring remaining critical area buffers.

2423 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
2424 buffers of wetlands or aquatic areas where:

2425 a. the site is predominantly used for the practice of agriculture;

2426 b. the structure is in compliance with an approved farm management plan in  
2427 accordance with K.C.C. 21A.24.051;

2428 c. the structure is either:

2429 (1) on or adjacent to existing nonresidential impervious surface areas,  
2430 additional impervious surface area is not created waterward of any existing impervious  
2431 surface areas and the area was not used for crop production;

2432 (2) higher in elevation and no closer to the critical area than its existing  
2433 position; or

2434 (3) at a location away from existing impervious surface areas that is  
2435 determined to be the optimum site in the farm management plan;

2436 d. all best management practices associated with the structure specified in the  
2437 farm management plan are installed and maintained;

2438 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
2439 require the development of a farm management plan if required best management  
2440 practices are followed and the installation does not require clearing of critical areas or  
2441 their buffers; and

2442 f. in a severe channel migration hazard area portion of an aquatic buffer only  
2443 if:

2444 (1) there is no feasible alternative location on-site;

2445 (2) the structure is located where it is least subject to risk from channel  
2446 migration;

2447 (3) the structure is not used to house animals or store hazardous substances;  
2448 and

2449 (4) the total footprint of all accessory structures within the severe channel  
2450 migration hazard area will not exceed the greater of one thousand square feet or two  
2451 percent of the severe channel migration hazard area on the site.

2452 4. Allowed if no clearing, external construction or other disturbance in a  
2453 wildlife habitat conservation area occurs during breeding seasons established under  
2454 K.C.C. 21A.24.382.

2455 5. Allowed for structures when:

2456 a. the landslide hazard poses little or no risk of injury;

2457 b. the risk of landsliding is low; and

2458 c. there is not an expansion of the structure.

2459 6. Within a severe channel migration hazard area allowed for:

2460 a. existing legally established primary structures if:

2461 (1) there is not an increase of the footprint of any existing structure; and

2462 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

2463 and

2464 b. existing legally established accessory structures if:

2465 (1) additions to the footprint will not make the total footprint of all existing

2466 structures more than one-thousand square feet; and

2467 (2) there is not an expansion of the footprint towards any source of channel

2468 migration hazard, unless the applicant demonstrates that the location is less subject to risk

2469 and has less impact on the critical area.

2470 7. Allowed only in grazed wet meadows or the buffer or building setback

2471 outside a severe channel migration hazard area if:

2472 a. the expansion or replacement does not increase the footprint of a

2473 nonresidential structure;

2474           b.(1) for a legally established dwelling unit, the expansion or replacement,  
2475 including any expansion of a ~~((n))~~ legally established accessory structure or impervious  
2476 surfaces allowed under this subsection B.7.b., does not increase the footprint of the  
2477 dwelling unit and all other structures by more than one thousand square feet, not  
2478 including any expansion of a drainfield made necessary by the expansion of structures.  
2479 To the maximum extent practical, the replacement or expansion of a drainfield in the  
2480 buffer should be located within areas of existing lawn or landscaping, unless another  
2481 location will have a lesser impact on the critical area and its buffer;

2482           (2) for a structure accessory to a dwelling unit, the expansion or replacement  
2483 is located on or adjacent to existing impervious surface areas and does not increase the  
2484 footprint of the accessory structure and the dwelling unit by more than one thousand  
2485 square feet; and

2486           (3) the location of the expansion has the ~~leas((e))t~~ adverse impact on the  
2487 critical area;

2488           c. the structure was not established as the result of an alteration exception,  
2489 variance, buffer averaging or reasonable use exception; and

2490           d. to the maximum extent practical, the expansion or replacement is not  
2491 located closer to the critical area or within the relic of a channel that can be connected to  
2492 an aquatic area.

2493           8. Allowed upon another portion of an existing impervious surface outside a  
2494 severe channel migration hazard area if:

2495           a. the structure is not located closer to the critical area; and

2496                   b. the existing impervious surface within the critical area or buffer is not  
2497 expanded.

2498                   9. Limited to piers or seasonal floating docks (~~((or piers))~~) in a category II, III or  
2499 IV wetland or its buffer or along a lake shoreline or its buffer where:

2500                   a. the existing and zoned density of all properties abutting the entire lake  
2501 shoreline averages three dwelling units per acre or more;

2502                   b. at least seventy-five percent of the lots abutting the shoreline or seventy-five  
2503 percent of the lake frontage, whichever constitutes the most lake frontage, has been  
2504 developed with dwelling units;

2505                   c. ~~((there is not any significant))~~ the vegetation where the alteration is proposed  
2506 does not consist of dominant native wetland herbaceous or woody vegetation six feet in  
2507 width or greater and the ~~((loss))~~ lack of this vegetation ~~((was))~~ is not the result of any  
2508 violation of law;

2509                   ~~((d.))~~ b. the wetland or lake shoreline is not a salmonid spawning area; and  
2510                   ~~((e.))~~ c. hazardous substances or toxic materials are not used.

2511                   10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
2512 materials are not used.

2513                   11. Allowed on type S or F aquatic areas outside of the severe channel  
2514 migration hazard area if in compliance with K.C.C. Title 25.

2515                   12. When located on a lake, must be in compliance with K.C.C. Title 25.

2516                   13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
2517 grading activity.

2518           14. The following are allowed in the severe channel migration hazard area if  
2519 conducted more than one-hundred and sixty-five feet from the ordinary high water mark  
2520 in the rural area and one-hundred and fifteen feet from the ordinary high water mark in  
2521 the urban area:

2522           a. grading of up to fifty cubic yards on lot less than five acres; and

2523           b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
2524 percent of the severe channel migration hazard area.

2525           15. Only where erosion or landsliding threatens a structure, utility facility,  
2526 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
2527 practical, stabilization work does not disturb the slope and its vegetative cover and any  
2528 associated critical areas.

2529           16. Allowed when performed by, at the direction of or authorized by a  
2530 government agency in accordance with regional road maintenance guidelines.

2531           17. Allowed when not performed under the direction of a government agency  
2532 only if:

2533           a. the maintenance or expansion does not involve the use of herbicides,  
2534 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands  
2535 or their buffers; and

2536           b. when maintenance, expansion or replacement of bridges or culverts involves  
2537 water used by salmonids:

2538           (1) the work is in compliance with ditch standards in public rule; and

2539           (2) the maintenance of culverts is limited to removal of sediment and debris  
2540 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or

2541 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
2542 excavation of a new sediment trap adjacent to the inlet.

2543 18. Allowed for the removal of hazard trees and vegetation as necessary for  
2544 surveying or testing purposes.

2545 19. The limited trimming and pruning of vegetation for the making and  
2546 maintenance of view((s)) corridors or habitat enhancement under a vegetation  
2547 management plan approved by the department, if the soils are not disturbed and the  
2548 activity will not adversely affect the long term slope stability ((~~of the slope, erosion~~)) or  
2549 water quality or cause erosion. The vegetation management plan shall use native species  
2550 with adequate root strength to add stability to a steep slope.

2551 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
2552 fruits, for restoration and enhancement projects is allowed.

2553 21. Cutting of firewood is subject to the following:

2554 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2555 b. within a wildlife network, cutting shall be in accordance with a management  
2556 plan approved under K.C.C. ((~~21A.14.270, as recodified by this ordinance~~)) 21A.24.386  
2557 by this ordinance; and

2558 c. within a critical area buffer, cutting shall be for personal use and in  
2559 accordance with an approved forest management plan or rural stewardship plan.

2560 22. Allowed only in buffers if in accordance with best management practices  
2561 approved by the King County fire marshal.

2562 23. Allowed as follows:

2563           a. if conducted in accordance with an approved forest management plan, farm  
2564 management plan, or rural stewardship plan; or

2565           b. without an approved forest management plan, farm management plan or  
2566 rural stewardship plan, only if:

2567               (1) removal is undertaken with hand labor, including hand-held mechanical  
2568 tools, unless the King County noxious weed control board otherwise prescribes the use of  
2569 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
2570 methods;

2571               (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2572               (3) the cleared area is revegetated with native ((~~or noninvasive~~)) vegetation  
2573 and stabilized against erosion; and

2574               (4) herbicide use is in accordance with federal and state law;

2575           24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2576               a. a forest management plan is approved for the site by the King County  
2577 department of natural resources and parks; and

2578               b. the property owner provides a notice of intent in accordance with RCW  
2579 76.09.060 that the site will not be converted to nonforestry uses within six years.

2580           25. Only if in compliance with published Washington state Department of Fish  
2581 and Wildlife and Washington state Department of Natural Resources Management  
2582 standards for the species. If there are no published Washington state standards, only if in  
2583 compliance with management standards determined by the county to be consistent with  
2584 best available science.

2585           26. Allowed only if:



2586           a. there is not another feasible location with less adverse impact on the critical  
2587 area and its buffer;

2588           b. the corridor is not located over habitat used for salmonid rearing or  
2589 spawning or by a species listed as endangered or threatened by the state or federal  
2590 government unless the department determines that there is no other feasible crossing site.

2591           c. the corridor width is minimized to the maximum extent practical;

2592           d. the construction occurs during approved periods for instream work; ~~((and))~~

2593           e. the corridor will not change or diminish the overall aquatic area flow peaks,  
2594 duration or volume or the flood storage capacity; and

2595           f. no new public right-of-way is established within a severe channel migration  
2596 hazard area.

2597           27. To the maximum extent practical, during breeding season established under  
2598 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
2599 equipment are not operated within a wildlife habitat conservation area.

2600           28. Allowed only if:

2601           a. an alternative access is not available;

2602           b. impact to the critical area is minimized to the maximum extent practical

2603 including the use of walls to limit the amount of cut and fill necessary;

2604           c. the risk associated with landslide and erosion is minimized;

2605           d. access is located where it is least subject to risk from channel migration; and

2606           e. construction occurs during approved periods for instream work.

2607           29. Only if in compliance with a farm management plan in accordance with  
2608 K.C.C. 21A.24.051.

2609                   30. Allowed only if:

2610                   a. the replacement is made fish passable in accordance with the most recent

2611 Washington state Department of Fish and Wildlife manuals or with the National Marine

2612 and Fisheries Services guidelines for federally listed salmonid species; and

2613                   b. the site is restored with appropriate native vegetation.

2614                   31. Allowed if necessary to bring the bridge or culvert up to current standards

2615 and if:

2616                   a. there is not another feasible alternative available with less impact on the

2617 aquatic area and its buffer; and

2618                   b. to the maximum extent practical, the bridge or culvert is located to minimize

2619 impacts to the aquatic area and its buffer's.

2620                   32. Allowed in an existing roadway if conducted consistent with the regional

2621 road maintenance guidelines.

2622                   33. Allowed outside the roadway if:

2623                   a. the alterations will not subject the critical area to an increased risk of

2624 landslide or erosion;

2625                   b. vegetation removal is the minimum necessary to locate the utility or

2626 construct the corridor; and

2627                   c. significant risk of personal injury is eliminated or minimized in the landslide

2628 hazard area.

2629                   34. Limited to the pipelines, cables, wires and support structures of utility

2630 facilities within utility corridors if:

2631                   a. there is no alternative location with less adverse impact on the critical area  
2632 and critical area buffer;

2633                   b. new utility corridors meet the all of the following to the maximum extent  
2634 practical:

2635                   (1) are not located over habitat used for salmonid rearing or spawning or by a  
2636 species listed as endangered or threatened by the state or federal government unless the  
2637 department determines that there is no other feasible crossing site;

2638                   (2) the mean annual flow rate is less than twenty cubic feet per second; and

2639                   (3) paralleling the channel or following a down-valley route near the channel  
2640 is avoided;

2641                   c. to the maximum extent practical utility corridors are located so that:

2642                   (1) the width is the minimized;

2643                   (2) the removal of trees greater than twelve inches diameter at breast height is  
2644 minimized;

2645                   (3) an additional, contiguous and undisturbed critical area buffer, equal in  
2646 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
2647 provided to protect the critical area;

2648                   d. to the maximum extent practical, access for maintenance is at limited access  
2649 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
2650 maintenance road is necessary the following standards are met:

2651                   (1) to the maximum extent practical the width of the maintenance road is  
2652 minimized and in no event greater than fifteen feet; and

2653                   (2) the location of the maintenance road is contiguous to the utility corridor  
2654 on the side of the utility corridor farthest from the critical area;

2655                   e. the utility corridor or facility will not adversely impact the overall critical  
2656 area hydrology or diminish flood storage capacity;

2657                   f. the construction occurs during approved periods for instream work;

2658                   g. the utility corridor serves multiple purposes and properties to the maximum  
2659 extent practical;

2660                   h. bridges or other construction techniques that do not disturb the critical areas  
2661 are used to the maximum extent practical;

2662                   i. bored, drilled or other trenchless crossing is laterally constructed at least four  
2663 feet below the maximum depth of scour for the base flood;

2664                   j. bridge piers or abutments for bridge crossing are not placed within the  
2665 FEMA floodway or the ordinary high water mark;

2666                   k. open trenching is only used during low flow periods or only within aquatic  
2667 areas when they are dry. The department may approve open trenching of type S or F  
2668 aquatic areas only if there is not a feasible alternative and equivalent or greater  
2669 environmental protection can be achieved; and

2670                   l. minor communication facilities may collocate on existing utility facilities if:  
2671                   (1) no new transmission support structure is required; and  
2672                   (2) equipment cabinets are located on the transmission support structure.

2673                   35. Allowed only for new utility facilities in existing utility corridors.

2674 36. Allowed for private individual utility service connections on site or to public  
2675 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or  
2676 fertilizers are applied.

2677 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
2678 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
2679 applied.

2680 38. Allowed if:

2681 a. conveying the surface water into the wetland or aquatic area buffer and  
2682 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge  
2683 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer  
2684 than if the surface water were discharged at the buffer's edge and allowed to naturally  
2685 drain through the buffer;

2686 b. the volume of discharge is minimized through application of low impact  
2687 development and water quality measures identified in the King County Surface Water  
2688 Design Manual;

2689 c. the conveyance and outfall are installed with hand equipment where  
2690 feasible;

2691 d. the outfall shall include bioengineering techniques where feasible; and

2692 e. the outfall is designed to minimize adverse impacts to critical areas.

2693 39. (~~Allowed if constructed only with vegetation~~) Allowed only if:

2694 a. there is no feasible alternative with less impact on the critical area and its  
2695 buffer;

2696                    b. to the maximum extent practical, the bridge or culvert is located to minimize  
2697 impacts to the critical area and its buffer;

2698                    c. the bridge or culvert is not located over habitat used for salmonid rearing or  
2699 spawning unless there is no other feasible crossing site;

2700                    d. construction occurs during approved periods for in-stream work; and

2701                    e. bridge piers or abutments for bridge crossings are not placed within the  
2702 FEMA floodway , severe channel migration hazard area or waterward of the ordinary  
2703 high water mark; ((and

2704 ———— f. open trenching is used during low flow periods or within aquatic areas when  
2705 they are dry)).

2706                    40. Allowed for an open, vegetated stormwater management conveyance system  
2707 and outfall structure that simulates natural conditions if:

2708                    a. fish habitat features necessary for feeding, cover and reproduction are  
2709 included when appropriate;

2710                    b. vegetation is maintained and added adjacent to all open channels and ponds,  
2711 if necessary to prevent erosion, filter out sediments or shade the water; and

2712                    c. bioengineering techniques are used to the maximum extent practical.

2713                    41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2714                    a. necessary to avoid erosion of slopes; and

2715                    b. bioengineering techniques are used to the maximum extent practical.

2716                    42. Allowed in a severe channel migration hazard area ((~~portion of~~)) or an  
2717 aquatic area buffer to prevent bank erosion only:

2718 a. if consistent with the ((Washington state)) Integrated Stream Protection  
2719 Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if  
2720 bioengineering techniques are used to the maximum extent practical, unless the applicant  
2721 demonstrates that other methods provide equivalent structural stabilization and  
2722 environmental function; ~~((and))~~

2723 b. based on a critical areas report, the department determines that the new  
2724 flood protection facility will not cause significant impacts to upstream or downstream  
2725 properties; and

2726 c. to prevent bank erosion for the protection of:

2727 (1) public roadways;

2728 (2) sole access routes in existence before February 16, 1995; ~~((or))~~

2729 (3) new primary dwelling units, accessory dwelling units or accessory living  
2730 quarters and residential accessory structures located outside the severe channel migration  
2731 hazard area if:

2732 (a) the site is adjacent to or abutted by properties on both sides containing  
2733 buildings or sole access routes protected by legal bank stabilization in existence before  
2734 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
2735 located no more than six hundred feet apart as measured parallel to the migrating  
2736 channel; and

2737 (b) the new primary dwelling units, accessory dwelling units, accessory  
2738 living quarters or residential accessory structures are located no closer to the aquatic area  
2739 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
2740 or residential accessory structures on abutting or adjacent properties; or

2741 (4) existing primary dwelling units, accessory dwelling units, accessory living  
2742 quarters or residential accessory structures if:

2743 (a) the structure was in existence before the adoption date of a King County  
2744 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2745 (b) the structure is in imminent danger, as determined by a geologist,  
2746 engineering geologist or geotechnical engineer;

2747 (c) the applicant has demonstrated that the existing structure is at risk, and  
2748 the structure and supporting infrastructure cannot be relocated on the lot further from the  
2749 source of channel migration; and

2750 (d) non-structural measures are not feasible.

2751 43. Applies to lawfully established existing structures if:

2752 a. ~~((maintained by a public agency;~~

2753 ~~b.)) the height of the facility is not increased, unless the facility is being~~  
2754 replaced in a new alignment that is landward of the previous alignment and enhances  
2755 aquatic area habitat and process;

2756 ~~((e-)) b.~~ the linear length of the ((affected edge of the)) facility is not increased,  
2757 unless the facility is being replaced in a new alignment that is landward of the previous  
2758 alignment and enhances aquatic area habitat and process;

2759 ~~((e-)) c.~~ the footprint of the facility is not expanded waterward;

2760 ~~((e-)) d.~~ consistent with ((King County's Guidelines for Bank Stabilization  
2761 Projects (King County Surface Water Management 1993))) the Integrated Streambank  
2762 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and  
2763 bioengineering techniques are used to the maximum extent practical; ((and))



2764 ((f.)) e. the site is restored with appropriate native vegetation and erosion  
2765 protection materials; and

2766 f. based on a critical areas report, the department determines that the  
2767 maintenance, repair, replacement or construction will not cause significant impacts to  
2768 upstream or downstream properties.

2769 44. Allowed in type N and O aquatic areas if done in least impacting way at  
2770 least impacting time of year, in conformance with applicable best management practices,  
2771 and all affected instream and buffer features are restored.

2772 45. Allowed in a type S or F water when such work is:

2773 a. included as part of a project to evaluate, restore or improve habitat, and

2774 b. sponsored or cosponsored by a public agency that has natural resource  
2775 management as a function or by a federally recognized tribe.

2776 46. Allowed as long as the trail is not constructed of impervious surfaces that  
2777 will contribute to surface water run-off, unless the construction is necessary for soil  
2778 stabilization or soil erosion prevention or unless the trail system is specifically designed  
2779 and intended to be accessible to handicapped persons.

2780 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed ((as  
2781 ~~far landward as feasible~~)) in the buffer or for crossing a category II, III or IV wetland or a  
2782 type F, N or O aquatic area, if:

2783 a. the trail surface is ((not)) made of ((im))pervious materials, except that  
2784 public multipurpose trails may be made of impervious materials if they meet all the  
2785 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
2786 be constructed as a raised boardwalk or bridge; ((and))

2787                   b. to the maximum extent practical, buffers are expanded equal to the width of  
2788 the trail corridor including disturbed areas;

2789                   c. there is not another feasible location with less adverse impact on the critical  
2790 area and its buffer;

2791                   d. the trail is not located over habitat used for salmonid rearing or spawning or  
2792 by a species listed as endangered or threatened by the state or federal government unless  
2793 the department determines that there is no other feasible crossing site;

2794                   e. the trail width is minimized to the maximum extent practical;

2795                   f. the construction occurs during approved periods for instream work; and

2796                   g. the trail corridor will not change or diminish the overall aquatic area flow  
2797 peaks, duration or volume or the flood storage capacity.

2798                   h. the trail may be located across a critical area buffer for access to a viewing  
2799 platform or to a permitted dock or pier;

2800                   i. A private viewing platform may be allowed if it is:

2801                   (1) located upland from the wetland edge or the ordinary high water mark of  
2802 an aquatic area;

2803                   (2) located where it will not be detrimental to the functions of the wetland or  
2804 aquatic area and will have the least adverse environmental impact on the critical area or  
2805 its buffer;

2806                   (3) limited to fifty square feet in size;

2807                   (4) constructed of materials that are non-toxic; and

2808                   (5) on footings located outside of the wetland or aquatic area.

2809                   48. Only if the maintenance:

2810                   a. does not involve the use of herbicides or other hazardous substances except  
2811 for the removal of noxious weeds or invasive vegetation;

2812                   b. when salmonids are present, the maintenance is in compliance with ditch  
2813 standards in public rule; and

2814                   c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
2815 culvert, engineered slope or other improved area being maintained.

2816                   49. Limited to alterations to restore habitat forming processes or directly restore  
2817 habitat function and value, including access for construction, as follows:

2818                   a. projects sponsored or cosponsored by a public agency that has natural  
2819 resource management as a primary function or by a federally recognized tribe;

2820                   b. restoration and enhancement plans prepared by a qualified biologist; or

2821                   c. conducted in accordance with an approved forest management plan, farm  
2822 management plan or rural stewardship plan.

2823                   50. Allowed in accordance with a scientific sampling permit issued by  
2824 Washington state Department of Fish and Wildlife or an incidental take permit issued  
2825 under Section 10 of the Endangered Species Act.

2826                   51. Allowed for the ((limited)) minimal clearing and grading, including site  
2827 access, necessary ((needed)) to prepare critical area reports.

2828                   52. The following are allowed if associated spoils are contained:

2829                   a. data collection and research if carried out to the maximum extent practical  
2830 by nonmechanical or hand-held equipment;

2831                   b. survey monument placement;

2832 c. site exploration and gage installation if performed in accordance with state-  
2833 approved sampling protocols and accomplished to the maximum extent practical by  
2834 hand-held equipment and; or similar work associated with an incidental take permit  
2835 issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

2836 53. Limited to activities in continuous existence since January 1, 2005, with no  
2837 expansion within the critical area or critical area buffer. "Continuous existence" includes  
2838 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
2839 states associated with these horticultural and agricultural activities.

2840 54. Allowed for expansion of existing or new agricultural activities where:

2841 a. the site is predominantly involved in the practice of agriculture;

2842 b. there is no expansion into an area that:

2843 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
2844 practice permit; or

2845 (2) is more than ten thousand square feet with tree cover at a uniform density  
2846 more than ninety trees per acre and with the predominant mainstream diameter of the  
2847 trees at least four inches diameter at breast height, not including areas that are actively  
2848 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
2849 stock;

2850 c. the activities are in compliance with an approved farm management plan in  
2851 accordance with K.C.C. 21A.24.051; and

2852 d. all best management practices associated with the activities specified in the  
2853 farm management plan are installed and maintained.

2854 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2855                   a. the facilities are designed to the standards of an approved farm management  
2856 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
2857 accordance with K.C.C. chapter 21A.30;

2858                   b. there is not a feasible alternative location available on the site; and

2859                   c. the facilities are located close to the outside edge of the buffer to the  
2860 maximum extent practical.

2861                   56. Allowed in a severe channel migration hazard area portion of an aquatic  
2862 area buffer if:

2863                   a. the facilities are designed to the standards in an approved farm management  
2864 plan in accordance with K.C.C. 21A.24.051;

2865                   b. there is not a feasible alternative location available on the site; and

2866                   c. the structure is located where it is least subject to risk from channel  
2867 migration.

2868                   57. Allowed for new agricultural drainage in compliance with an approved farm  
2869 management plan in accordance with K.C.C. 21A.24.051 and all best management  
2870 practices associated with the activities specified in the farm management plan are  
2871 installed and maintained.

2872                   58. If the agricultural drainage is used by salmonids, maintenance shall be in  
2873 compliance with an approved farm management plan in accordance with K.C.C.  
2874 21A.24.051.

2875                   59. Allowed within existing landscaped areas or other previously disturbed  
2876 areas.

2877           60. Allowed for residential utility service distribution lines to residential  
2878 dwelling, including, but not limited to, well water conveyance, septic system  
2879 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:  
2880           a. there is no alternative location with less adverse impact on the critical area  
2881 or the critical area buffer;  
2882           b. the residential utility service distribution lines meet the all of the following,  
2883 to the maximum extent practical:  
2884           (1) are not located over habitat used for salmonid rearing or spawning or by a  
2885 species listed as endangered or threatened by the state or federal government unless the  
2886 department determines that there is no other feasible crossing site;  
2887           (2) not located over a type S aquatic area;  
2888           (3) paralleling the channel or following a down-valley route near the channel  
2889 is avoided;  
2890           (4) the width of clearing is minimized;  
2891           (5) the removal of trees greater than twelve inches diameter at breast height is  
2892 minimized;  
2893           (6) an additional, contiguous and undisturbed critical area buffer, equal in  
2894 area to the disturbed critical area buffer area is provided to protect the critical area;  
2895           (7) access for maintenance is at limited access points into the critical area  
2896 buffer.  
2897           (8) the construction occurs during approved periods for instream work;

2898                   (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
2899 laterally constructed at least four feet below the maximum depth of scour for the base  
2900 flood; and

2901                   (10) open trenching across Type O or Type N aquatic areas is only used  
2902 during low flow periods or only within aquatic areas when they are dry.

2903                   61. Allowed if sponsored or cosponsored by the countywide flood control zone  
2904 district and the department determines that the project and its location:

2905                   a. is the best flood risk reduction alternative practicable;  
2906                   b. is part of a comprehensive, long-term flood management strategy;  
2907                   c. is consistent with the King County Flood Hazard Management Plan policies;  
2908                   d. will have the least adverse impact on the ecological functions of the critical  
2909 area or its buffer, including habitat for fish and wildlife that are identified for protection in  
2910 the King County Comprehensive Plan; and

2911                   e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2912                   62.a. Not allowed in wildlife habitat conservation areas;  
2913                   b. Only allowed if:

2914                   (1) the project is sponsored or cosponsored by a public agency whose primary  
2915 function deals with natural resources management;

2916                   (2) the project is located on public land or on land that is owned by a non-  
2917 profit agency whose primary function deals with natural resources management;

2918                   (3) there is not a feasible alternative location available on the site with less  
2919 impact to the critical area or its associated buffer;

2920                    (4) the aquatic area or wetland is not ((a spawning area for fish species)) for  
2921 salmonid rearing or spawning;

2922                    (5) the project minimizes the footprint of structures and the number of access  
2923 points to any critical areas; and

2924                    (6) the project meets the following design criteria:

2925                    (A) to the maximum extent practical size of platform shall not exceed 100-  
2926 square feet;

2927                    (B) all construction materials for ((bird blinds)) any strucures, including the  
2928 platform, pilings, exterior and interior walls and roof, are constructed of non-toxic  
2929 material, such as non-treated wood, vinyl-coated wood, non-galvanized steel, plastic,  
2930 plastic wood, fiberglass, or cured concrete that the department determines will not have  
2931 an adverse impact on water quality;

2932                    (C) the exterior of ((bird blinds)) any strucures are sufficiently camouflaged  
2933 using netting or equivalent to avoid any visual deterrent for wildlife species to the  
2934 maximum extent practical. The camouflage shall be maintained to retain concealment  
2935 effectiveness;

2936                    (D) ((the footings and other portions of the bird blind)) structures shall be  
2937 located outside of the wetland or aquatic area landward of the Ordinary High Water Mark  
2938 or open water component (if applicable) to the maximum extent practical on the site;

2939                    (E) construction occurs during approved periods for work inside the  
2940 Ordinary High Water Mark;



2941                    (F) construction associated with bird blinds shall not occur from March 1  
2942 through August 31, in order to avoid disturbance to birds during the breeding, nesting,  
2943 and rearing seasons;

2944                    (G) to the maximum extent practical, ((wheel chair access is provided))  
2945 provide accessibility for persons with physical disabilities in accordance with the  
2946 International Building Code;

2947                    (H) trail access is designed in accordance with public rules adopted by the  
2948 department;

2949                    (I) existing native vegetation within the critical area will remain undisturbed  
2950 except as necessary to accommodate the proposal. Only minimal hand clearing of  
2951 vegetation is allowed; and

2952                    (J) disturbed bare ground areas around the structure must be replanted with  
2953 native vegetation approved by the department.

2954                    SECTION 42. Ordinance 15051, Section 139 and K.C.C. 21A.24.055 are each  
2955 hereby amended to read as follows:

2956                    A. On a site zoned RA, the department may approve a modification of the  
2957 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation  
2958 areas and maximum clearing restrictions through a rural stewardship plan for single  
2959 family detached residential development in accordance with this section.

2960                    B. The property owner or applicant shall develop the rural stewardship plan as  
2961 part of a rural stewardship program offered or approved by King County and has the  
2962 option of incorporating appropriate components of a county-approved farm management  
2963 or a county-approved forest stewardship plan.

2964 C. In its evaluation of any proposed modification of the minimum buffer widths  
2965 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing  
2966 restrictions, the department shall consider the following factors:

2967 1. The existing condition of the drainage basin or marine shoreline as designated  
2968 on the Basin and Shoreline Conditions Map;

2969 2. The existing condition of wetland and aquatic area buffers;

2970 3. The existing condition of wetland functions based on the adopted Washington  
2971 State Wetland Rating System for Western Washington, Washington state department of  
2972 ecology publication number 04-06-025, published August 2004;

2973 4. The location of the site in the drainage basin; ~~((and))~~

2974 5. The percentage of impervious surfaces and clearing on the site; and

2975 6. Any existing development on the site that was approved as a result of a  
2976 variance or alteration exception that allowed development within a critical area or critical  
2977 area buffer. If the existing development was approved through a variance or alteration  
2978 exception, the rural stewardship plan shall demonstrate that the plan will result in  
2979 enhancing the functions and values of critical areas located on the site as if the  
2980 development approved through the variance or alteration exception had not occurred.

2981 D. A rural stewardship plan does not modify the requirement for permits for  
2982 activities covered by the rural stewardship plan.

2983 E. Modifications of critical area buffers shall be based on the following  
2984 prioritized goals:

2985 1. To avoid impacts to critical areas to the maximum extent practical;

2986           2. To avoid impacts to the higher quality wetland or aquatic area or the more  
2987 protected fish or wildlife species, if there is a potential to affect more than one category  
2988 of wetland or aquatic area or more than one species of native fish or wildlife;  
2989           3. To maintain or enhance the natural hydrologic systems on the site to the  
2990 maximum extent practical;  
2991           4. To maintain, restore or enhance native vegetation;  
2992           5. To maintain, restore or enhance the function and value of critical areas or  
2993 critical area buffers located on the site;  
2994           6. To minimize habitat fragmentation and enhance corridors between wetlands,  
2995 riparian corridors, wildlife habitat conservation areas and other priority habitats;  
2996           7. To minimize the impacts of development over time by implementing best  
2997 management practices and meeting performance standards during the life of the  
2998 development; and  
2999           8. To monitor the effectiveness of the stewardship practices and implement  
3000 additional practices through adaptive management to maintain, restore or enhance critical  
3001 area functions when necessary.  
3002           F. A rural stewardship plan may include, but is not limited to, the following  
3003 elements:  
3004           1. Critical areas designation under K.C.C. 21A.24.500;  
3005           2. Identification of structures, cleared and forested areas and other significant  
3006 features on the site;  
3007           3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;  
3008           4. ~~((Site specific best management practices;~~

3009           ~~5. P))~~ Analysis of impacts of planned changes to any existing structures, ((~~or~~))  
3010 for other changes to the site that involve clearing or grading or for new development;  
3011           5. Site-specific best management practices that mitigate impacts of development  
3012 and that protect and enhance the ecological values and functions of the site;  
3013           6. A schedule for implementation of the elements of the rural stewardship plan;  
3014 and  
3015           7. A plan for monitoring the effectiveness of measures approved under the rural  
3016 stewardship plan and to modify if adverse impacts occur.  
3017           G. A rural stewardship plan may be developed as part of a program offered or  
3018 approved by King County and shall include a site inspection by the county to verify that  
3019 the plan is reasonably likely to accomplish the goals in subsection E. of this section to  
3020 protect water quality, reduce flooding and erosion, maintain, restore or enhance the  
3021 function and value of critical areas and their buffers and maintain or enhance native  
3022 vegetation on the site of this section.  
3023           H. A property owner who completes a rural stewardship plan that is approved by  
3024 the county may be eligible for tax benefits under the public benefit rating system in  
3025 accordance with K.C.C. 20.36.100.  
3026           I. If a property owner withdraws from the rural stewardship plan, in addition to  
3027 any applicable penalties under the public benefit rating system, the following apply:  
3028           1. Mitigation is required for any structures constructed in critical area buffers  
3029 under the rural stewardship plan; and

3030           2. The property owner shall apply for buffer averaging or an alteration  
3031 exception, as appropriate, to permit any structure or use that has been established under  
3032 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3033           J. A rural stewardship plan is not effective until approved by the county. Before  
3034 approval, the county may conduct a site inspection, which may be through a program  
3035 offered or approved by King County, to verify that the plan is reasonably likely to  
3036 accomplish the goals in subsection E. of this section.

3037           K. Once approved, activities carried out in compliance with the approved rural  
3038 stewardship plan shall be deemed in compliance with this chapter. In the event of a  
3039 potential code enforcement action, the department of development and environmental  
3040 services shall first inform the department of natural resources and parks of the activity.  
3041 Prior to taking code enforcement action, the department of development and  
3042 environmental services shall consult with the department of natural resources and parks  
3043 to determine whether the activity is consistent with the rural stewardship plan.

3044           SECTION 43. Ordinance 10870, Section 454, as amended, and K.C.C.  
3045 21A.24.070 are each hereby amended to read as follows:

3046           A. The director may approve alterations to critical areas, critical area buffers and  
3047 critical area setbacks not otherwise allowed by this chapter as follows:

3048           1. For linear alterations, the director may approve alterations to critical areas,  
3049 critical area buffers and critical area setbacks only when all of the following criteria are  
3050 met:

3051           a. there is no feasible alternative to the development proposal with less adverse  
3052 impact on the critical area;

3053                   b. the proposal minimizes the adverse impact on critical areas to the maximum  
3054 extent practical;

3055                   c. the approval does not require the modification of a critical area development  
3056 standard established by this chapter;

3057                   d. the development proposal does not pose an unreasonable threat to the public  
3058 health, safety or welfare on or off the development proposal site and is consistent with the  
3059 general purposes of this chapter and the public interest;

3060                   e. the linear alteration:

3061                   (1) connects to or is an alteration to a public roadway, public trail, a utility  
3062 corridor or utility facility or other public infrastructure owned or operated by a public  
3063 utility; or

3064                   (2) is required to overcome limitations due to gravity; and

3065                   2. For nonlinear alterations the director may approve alterations to critical areas  
3066 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic  
3067 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
3068 critical area setbacks, when all of the following criteria are met:

3069                   a. there is no feasible alternative to the development proposal with less adverse  
3070 impact on the critical area;

3071                   b. the alteration is the minimum necessary to accommodate the development  
3072 proposal;

3073                   c. the approval does not require the modification of a critical area development  
3074 standard established by this chapter;

d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system;

f. to the maximum extent possible, access is located to have the least adverse impact on the critical area and critical area buffer;

g. the critical area is not used as a salmonid spawning area; and

h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility.

B. The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property. The applicant may apply for a reasonable use exception pursuant to this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted pursuant to the provisions of this section. The director shall determine that all of the following criteria are met:

a. there is no other reasonable use with less adverse impact on the critical area;

b. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and

d. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping but not including the area used for a driveway or for an on-site sewage disposal system.

C. For the purpose of this section, "linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, utility corridors and utility facilities.

D. Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.

E. An applicant for an alteration exception shall submit a critical area report, as required by K.C.C. 21A.24.110.

~~((F. The hearing examiner shall provide to the clerk of the council a copy of the final decision of an appeal of the department's decision under this section within thirty days after the hearing examiner's decision. The clerk shall notify the council of the availability of the decision.))~~

SECTION 44. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection of C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development



3120 shall file a notice approved by King County with the records, elections and licensing  
3121 services division. The notice shall inform the public of:

- 3122           1. The presence of critical areas or buffers or mitigation sites on the property;  
3123           2. The application of this chapter to the property; and  
3124           3. The possible existence of limitations on actions in or affecting the critical  
3125 areas or buffers or the fact that mitigation sites may exist.

3126           B. The applicant for a development proposal shall submit proof that the notice  
3127 required by this section has been filed for public record before King County approves any  
3128 development proposal for the property or, in the case of subdivisions, short subdivisions  
3129 and binding site plans, at or before recording of the subdivision, short subdivision or  
3130 binding site plan.

3131           C. The notice required under subsection A. of this section is not required if:

3132           1. The property is a public right-of-way or the site of a permanent public  
3133 facility; ~~((or))~~

3134           2. The development proposal does not require sensitive area review under  
3135 K.C.C. 21A.24.100.C; or

3136           3. The property only contains a critical aquifer recharge area.

3137           SECTION 45. Ordinance 10870, Section 471, as amended, and K.C.C.  
3138 21A.24.240 are each hereby amended to read as follows:

3139           The following development standards apply to development proposals and  
3140 alterations on sites within the zero-rise flood fringe:

3141           A. Development proposals and alterations shall not reduce the effective base flood  
3142 storage volume of the floodplain. A development proposal shall provide ~~((comensatory))~~

3143 compensatory storage if grading or other activity displaces any effective flood storage  
3144 volume. Compensatory storage shall:

- 3145 1. Provide equivalent volume at equivalent elevations to that being displaced;
- 3146 2. Hydraulically connect to the source of flooding;
- 3147 3. Provide compensatory storage in the same construction season as when the  
3148 displacement of flood storage volume occurs and before the flood season begins on  
3149 September 30 for that year; and
- 3150 4. Occur on the site. The director may approve equivalent compensatory storage  
3151 off the site if legal arrangements, acceptable to the department, are made to assure that the  
3152 effective compensatory storage volume will be preserved over time;

3153 B. A structural engineer shall design and certify all elevated construction and  
3154 ~~((submit))~~ submit the design to the department;

3155 C. A civil engineer shall prepare a base flood depth and base flood velocity  
3156 analysis and submit the analysis to the department. The director may waive the  
3157 requirement for a base flood depth and base flood velocity analysis for agricultural  
3158 structures that are not used for human habitation. Development proposals and alterations  
3159 are not allowed if the base flood depth exceeds three feet ~~((or))~~ and the base flood velocity  
3160 exceeds three feet per second except, the director may approve development proposals and  
3161 alterations in areas where the base flood depth exceeds three feet and the base flood  
3162 velocity exceeds three feet per second for the following projects:

- 3163 1. Agricultural accessory structures;
- 3164 2. Roads and bridges;
- 3165 3. Utilities;

3166           4. Surface water flow control or surface water conveyance systems;  
3167           5. Public park structures; and  
3168           6. Flood hazard mitigation projects, such as, but not limited to construction, repair  
3169           or replacement of flood protection facilities or for building elevations or relocations;

3170           D. Subdivisions, short subdivisions, urban planned developments and binding site  
3171 plans shall meet the following requirements:

3172           1. New building lots shall include five thousand square feet or more of buildable  
3173 land outside the zero-rise floodway;

3174           2. All utilities and facilities such as sewer, gas, electrical and water systems are  
3175 consistent with subsections E., F. and I. of this section;

3176           3. A civil engineer shall prepare detailed base flood elevations in accordance with  
3177 FEMA guidelines for all new lots;

3178           4. A development proposal shall provide adequate drainage in accordance with  
3179 the King County Surface Water Design Manual to reduce exposure to flood damage; and

3180           5. The face of the recorded subdivision, short subdivision, urban planned  
3181 development or binding site plan shall include the following for all lots:

3182           a. building setback areas restricting structures to designated buildable areas:

3183           b. base flood data and sources and flood hazard notes including, but not limited  
3184 to, base flood elevation, required flood protection elevations, the boundaries of the  
3185 floodplain and the zero-rise floodway, if determined, and channel migration zone  
3186 boundaries, if determined; and

3187           c. include the following notice:

3188 "Lots and structures located within flood hazard areas may be inaccessible  
3189 by emergency vehicles during flood events. Residents and property owners should take  
3190 appropriate advance precautions.";

3191 E. New residential structures and substantial improvements of existing residential  
3192 structures shall meet the following standards:

3193 1. Elevate the lowest floor, including basement, to the flood protection elevation;

3194 2. Do not fully enclose portions of the structure that are below the lowest floor  
3195 area;

3196 3. Design and construct the areas and rooms below the lowest floor to  
3197 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
3198 allowing for the entry and exit of floodwaters as follows:

3199 a. provide a minimum of two openings on each of two opposite side walls in the  
3200 direction of flow, with each of those walls having a total open area of not less than one  
3201 square inch for every square foot of enclosed area subject to flooding;

3202 b. design and construct the bottom of all openings so they are no higher than one  
3203 foot above grade; and

3204 c. screens, louvers or other coverings or devices are allowed over the opening if  
3205 they allow the unrestricted entry and exit of floodwaters;

3206 4. Use materials and methods that are resistant to and minimize flood damage;  
3207 and

3208 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air  
3209 conditioning equipment and other utilities that service the structure, such as duct-work to  
3210 the flood protection elevation;

3211 F. New nonresidential structures and substantial improvements of existing  
3212 nonresidential structures shall meet the following standards:

3213 1. Elevate the lowest floor to the flood protection elevation; or  
3214 2. Dry flood-proof the structure to the flood protection elevation to meet the  
3215 following standards:

3216 a. the applicant shall provide certification by a civil or structural engineer that  
3217 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,  
3218 velocities, impacts, uplift forces and other factors associated with the base flood. After  
3219 construction, the engineer shall certify that the permitted work conforms to the approved  
3220 plans and specifications; and

3221 b. approved building permits for dry flood-proofed nonresidential structures  
3222 shall contain a statement notifying applicants that flood insurance premiums are based  
3223 upon rates for structures that are one foot below the base flood elevation;

3224 3. Use materials and methods that are resistant to and minimize flood damage;  
3225 and

3226 4. Design and construct the areas and rooms below the lowest floor to  
3227 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
3228 allowing for the entry and exit of floodwaters as follows:

3229 a. provide a minimum of two openings on each of two opposite side walls in the  
3230 direction of flow, with each of those walls having a total open area of not less than one  
3231 square inch for every square foot of enclosed area subject to flooding;

3232 b. design the bottom of all openings is no higher than one foot above grade; and

3233 c. screens, louvers or other coverings or devices are allowed if they do not  
3234 restrict entry and exit of floodwaters; and

3235 5. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning  
3236 equipment and other utility and service facilities to, or elevated above, the flood protection  
3237 elevation;

3238 G. Anchor all new construction and substantially improved structures to prevent  
3239 flotation, collapse or lateral movement of the structure. The department shall approve the  
3240 method used to anchor the new construction;

3241 H. Newly sited manufactured homes and substantial improvements of existing  
3242 manufactured homes shall meet the following standards:

3243 1. Manufactured homes shall meet all the standards in this section for residential  
3244 structures and the following standards:

3245 a. anchor all manufactured homes; and  
3246 b. install manufactured homes using methods and practices that minimize flood  
3247 damage; and

3248 2. All manufactured homes within a new mobile home park or expansion of an  
3249 existing mobile home park must meet the requirements for flood hazard protection for  
3250 residential structures; and

3251 3. Only manufactured homes are allowed in a new or existing mobile home park  
3252 located in a flood hazard area;

3253 I. Public and private utilities shall meet the following standards:

3254 1. Dry flood-proof new and replacement utilities including, but not limited to,  
3255 sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

3256           2. Locate new on-site sewage disposal systems outside the floodplain. When  
3257 there is insufficient ((soil area or)) area outside the floodplain, new on-site sewage disposal  
3258 systems are allowed only in the zero-rise flood fringe. Locate on-site sewage ((disposal))  
3259 disposal systems in the zero-rise flood fringe to avoid:

- 3260           a. impairment to the system during flooding;
- 3261           b. contamination from the system during flooding; and

3262           3. Design all new and replacement water supply systems to minimize or eliminate  
3263 infiltration of floodwaters into the system;

3264           4. Above-ground utility transmission lines, except for electric transmission lines,  
3265 are allowed only for the transport of nonhazardous substances; and

3266           5. Bury underground utility transmission lines transporting hazardous substances  
3267 at a minimum depth of four feet below the maximum depth of scour for the base flood, as  
3268 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential  
3269 for flotation or upward migration is eliminated;

3270           J. Critical facilities are only allowed within the zero-rise flood fringe when a  
3271 feasible alternative site is not available and the following standards are met:

- 3272           1. Elevate the lowest floor to the five-hundred year floodplain elevation or three  
3273 or more feet above the base flood elevation, whichever is higher;
- 3274           2. Dry flood-proof and seal structures to ensure that hazardous substances are not  
3275 displaced by or released into floodwaters; and
- 3276           3. Elevate access routes to or above the base flood elevation from the critical  
3277 facility to the nearest maintained public street or roadway;

3278 K. New construction or expansion of existing livestock flood sanctuaries is only  
3279 allowed as follows:

3280 1. A livestock flood sanctuary is only allowed if there is no other suitable holding  
3281 area on the site outside the floodplain to which the livestock have access;

3282 2. Construct the livestock flood sanctuary to the standards in an approved farm  
3283 management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter  
3284 21A.30. The farm management plan shall demonstrate compliance with the following:

3285 a. flood storage compensation consistent with subsection A. of this section;

3286 b. siting and sizing that do not increase base flood elevations consistent with  
3287 K.C.C. 21A.24.250.B. and 21A.24.260.D; and

3288 c. siting that is located in the area least subject to risk from floodwaters; and

3289 L. New construction or expansion of existing livestock manure storage facilities is  
3290 only allowed as follows:

3291 1. The livestock manure storage facility is only allowed if there is not a feasible  
3292 alternative area on the site outside the floodplain;

3293 2. Construct the livestock manure storage facility to the standards in an approved  
3294 farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C.  
3295 chapter 21A.30. The farm management plan shall demonstrate compliance with the  
3296 following:

3297 a. flood storage compensation consistent with subsection A. of this section;

3298 b. siting and sizing that do not increase base flood elevations consistent with  
3299 K.C.C. 21A.24.250.B. and 21A.24.260.D;

3300 c. dry flood-proofing to the flood protection elevation; and



3301 d. siting that is located in the area least subject to risk from floodwaters.

3302 SECTION 46. Ordinance 10870, Section 472, as amended, and K.C.C.

3303 21A.24.250 are each hereby amended to read as follows:

3304 The following development standards apply to development proposals and  
3305 alterations on sites within the zero-rise floodway:

3306 A. The development standards that apply to the zero-rise flood fringe also apply to  
3307 the zero-rise floodway. The more restrictive requirements shall apply where there is a  
3308 conflict;

3309 B. A development proposal shall not increase the base flood elevation except as  
3310 follow:

3311 1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in  
3312 accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

3313 2. Appropriate legal documents are prepared and recorded in which all property  
3314 owners affected by the increased flood elevations consent to the impacts on their property;

3315 C. If post and piling construction techniques are used, the following are presumed  
3316 to produce no increase in the base flood elevation and a critical areas report is not required  
3317 to establish this fact:

3318 1. New residential structures outside the FEMA floodway on lots in existence  
3319 before November 27, 1990, that contain less than five thousand square feet of buildable  
3320 land outside the zero-rise floodway if the total building footprint of all existing and  
3321 proposed structures on the lot does not exceed two-thousand square feet;

3322 2. Substantial improvements of existing residential structures in the zero-rise  
3323 floodway, but outside the FEMA floodway, if the footprint is not increased; or

3324 3. Substantial improvements of existing residential structures that meet the  
3325 standards for new residential structures in K.C.C. 21A.24.240.~~((E))~~D;

3326 D. When post or piling construction techniques are not used, a critical areas report  
3327 is required in accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not  
3328 increase the base flood elevation;

3329 E. During the flood season from September 30 to May 1 the following are not  
3330 allowed to be located in the zero-rise floodway;

3331 1. All temporary seasonal shelters, such as tents and recreational vehicles; and  
3332 2. Staging or stockpiling of equipment, materials or substances that the director  
3333 determines may be hazardous to the public health, safety or welfare;

3334 F. New residential structures and substantial improvements to existing residential  
3335 structures or any structure accessory to a residential use shall meet the following standards:

3336 1. Locate the structures outside the FEMA floodway;  
3337 2. Locate the structures only on lots in existence before November 27, 1990, that  
3338 contain less than five thousand square feet of buildable land outside the zero-rise floodway;  
3339 and

3340 3. To the maximum extent practical, locate the structures the farthest distance  
3341 from the channel, unless the applicant can demonstrate that an alternative location is less  
3342 subject to risk;

3343 G. Public and private utilities are only allowed if:

3344 1. The department determines that a feasible alternative site is not available;  
3345 2. A waiver is granted by the Seattle-King County department of public health for  
3346 new on-site sewage disposal facilities;

3347           3. The utilities are dry flood-proofed to or elevated above the flood protection  
3348 elevation;

3349           4. Above-ground utility transmission lines, except for electrical transmission  
3350 lines, are only allowed for the transport of nonhazardous substances; and

3351           5. Underground utility transmission lines transporting hazardous substances are  
3352 buried at a minimum depth of four feet below the maximum dept of scour for the base  
3353 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any  
3354 potential for flotation or upward migration is eliminated;

3355           H. Critical facilities, except for those listed in subsection I. of this section are not  
3356 allowed within the zero-rise floodway; and

3357           I. Structures and installations that are dependent upon the zero-rise floodway are  
3358 allowed in the zero-rise floodway if the development proposal is approved by all agencies  
3359 with jurisdiction and meets the development standards for the zero-rise floodway. These  
3360 structures and installations may include, but are not limited to:

3361           1. Dams or diversions for water supply, flood control, hydroelectric  
3362 production, irrigation or fisheries enhancement;

3363           2. Flood damage reduction facilities, such as levees, revetments and pumping  
3364 stations;

3365           3. Stream bank stabilization structures only if a feasible alternative does not exist  
3366 for protecting structures, public roadways, flood protection facilities or sole access routes.  
3367 Bank stabilization projects must ~~((meet the standards of King County's Guidelines for Bank~~  
3368 ~~Stabilization Projects (King County Surface Water Management 1993)))~~ be consistent with  
3369 the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat

3370 Guidelines Program, 2002) and use bioengineering techniques to the maximum extent  
3371 practical. An applicant may use alternative methods to the guidelines if the applicant  
3372 demonstrates that the alternative methods provide equivalent or better structural  
3373 stabilization, ecological and hydrological functions and salmonid habitat;

- 3374 4. Surface water conveyance facilities;
- 3375 5. Boat launches and related recreation structures;
- 3376 6. Bridge piers and abutments; and
- 3377 7. Approved aquatic area or wetland restoration projects including, but not limited  
3378 to, fisheries enhancement projects.

3379 SECTION 47. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260  
3380 are each hereby amended to read as follows:

3381 A. The development standards that apply to the zero-rise floodway also apply to  
3382 the FEMA floodway. The more restrictive standards apply where there is a conflict;

3383 B. A development proposal shall not increase the base flood elevation. A civil  
3384 engineer shall certify, through hydrologic and hydraulic analyses performed in accordance  
3385 with standard engineering practice, that any proposed encroachment would not result in any  
3386 increase in flood levels during the occurrence of the base flood discharge;

3387 C. New residential or nonresidential structures are prohibited within the mapped  
3388 FEMA floodway. A residential structure cannot be constructed on fill placed within the  
3389 mapped FEMA floodway;

3390 D. Livestock flood sanctuaries and manure storage facilities are prohibited in the  
3391 FEMA floodway;

3392 E. If the footprint of the existing residential structure is not increased, substantial  
3393 improvements of existing residential structures in the FEMA floodway, meeting the  
3394 requirements of WAC 173-158-070, as amended, are presumed to not increase the base  
3395 flood elevation and do not require a critical areas report to establish this fact;

3396 F. Maintenance, repair, replacement or improvement of an existing residential  
3397 structure located within the agricultural production district on property that is zoned  
3398 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for  
3399 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following  
3400 requirements:

3401 1. The existing residential structure was legally established;

3402 2. The viability of the farm is dependent upon a residential structure within close  
3403 proximity to other agricultural structures; and

3404 3. Replacing an existing residential structure within the FEMA floodway is only  
3405 allowed if:

3406 a. there is not sufficient buildable area on the site outside the FEMA floodway  
3407 for the replacement;

3408 b. the replacement residential structure is not located in an area that increases the  
3409 flood hazard in water depth, velocity or erosion;

3410 c. the building footprint of the existing residential structure is not increased; and

3411 d. the existing structure, including the foundation, is completely removed within  
3412 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,  
3413 whichever occurs first, for the replacement structure;

3414 G. Maintenance, repair or replacement of a substantially damaged existing  
3415 residential structure, other than a residential structure located within the agricultural  
3416 production district on property that is zoned agricultural (A), is allowed in the FEMA  
3417 floodway if the structure meets the standards for existing residential structures and utilities  
3418 in K.C.C. 21A.24.240 and also meets the following requirements:

3419 1. The Washington state Department of Ecology has assessed the flood  
3420 characteristics of the site and determined:

- 3421 a. base flood depths will not exceed three feet;
- 3422 b. base flood velocities will not exceed three feet per second;
- 3423 c. there is no evidence of flood-related erosion, as determined by location of the  
3424 project site in relationship to mapped channel migration zones or, if the site is not mapped,  
3425 evidence of overflow channels and bank erosion; and
- 3426 d. a flood warning system or emergency plan is in operation;

3427 2. The Washington state Department of Ecology has prepared a report of findings  
3428 and recommendations to the department that determines the repair or replacement will not  
3429 result in an increased risk of harm to life based on the characteristics of the site;

3430 3. The department has reviewed the Washington state Department of Ecology  
3431 report and concurs that the development proposal is consistent with the findings and  
3432 recommendations in the report;

3433 4. The development proposal is consistent with the findings and recommendations  
3434 of the Washington state Department of Ecology report;

3435 5. The existing residential structure was legally established;

3436 6. Replacing an existing residential structure within the FEMA floodway is only  
3437 allowed if:

3438 a. there is not sufficient buildable area on the site outside the FEMA floodway;

3439 b. the replacement structure is a residential structure built as a substitute for a  
3440 previously existing residential structure of equivalent use and size; and

3441 c. the existing residential structure, including the foundation, is removed within  
3442 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,  
3443 whichever occurs first, for the replacement structure; and

3444 H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is  
3445 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA  
3446 floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240 for  
3447 residential structures or nonresidential structures, as appropriate.

3448 SECTION 48. Ordinance 10870, Section 476, as amended, and K.C.C.

3449 21A.24.290 are each hereby amended to read as follows:

3450 The following development standards apply to development proposals and  
3451 alterations on sites containing seismic hazard areas:

3452 A. The department may approve alterations to seismic hazard areas only if:

3453 1. the evaluation of site-specific subsurface conditions shows that the proposed  
3454 development site is not located in a seismic hazard area; or

3455 2. The applicant implements appropriate engineering design based on the best  
3456 available engineering and geological practices that either eliminates or minimizes the risk  
3457 of structural damage or injury resulting from seismically induced settlement or soil  
3458 liquefaction; and

3459 B. The department may waive or reduce engineering study and design  
3460 requirements for alterations in seismic hazard areas for:  
3461 1. Mobile homes;  
3462 2. Additions or alterations that do not increase occupancy or significantly affect  
3463 the risk of structural damage or injury; and  
3464 3. One story ~~((B))~~ buildings with less than two-thousand-five hundred square  
3465 feet of floor area or roof area, whichever is greater, and that are not dwelling units or  
3466 used as places of employment or public assembly.

3467 SECTION 49. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
3468 are each hereby amended to read as follows:

3469 The map entitled King County Critical Aquifer Recharge Areas, included in  
3470 Attachment ~~((B to Ordinance 15051))~~ A to this ordinance., is hereby adopted as the  
3471 designation of critical aquifer recharge areas in King County in accordance with RCW  
3472 36.70A.170. ~~((The council may adopt by ordinance revisions to add or remove critical  
3473 aquifer recharge areas based on additional information about areas with susceptibility to  
3474 ground water contamination or on changes to sole source aquifers or wellhead protection  
3475 areas as identified in wellhead protection programs.))~~

3476 SECTION 50. Ordinance 15051, Section 173 and K.C.C. 21A.24.312 are each  
3477 hereby amended to read as follows:

3478 Upon application supported by a critical areas report that includes a  
3479 hydrogeologic site evaluation, the department, in consultation with the department of  
3480 natural resources and parks, may determine that an area that is or is not classified as a



3481 critical aquifer recharge area on the map adopted ~~((and amended by public rule))~~ under  
3482 K.C.C. 21A.24.311:

3483 A. Does not meet the criteria for a critical aquifer recharge area and declassify  
3484 that area if it is classified as a critical aquifer recharge area; ~~((or))~~

3485 B. Has the wrong critical aquifer recharge area classification and determine the  
3486 correct classification; or

3487 C. Has not been classified as a critical aquifer recharge area and should be so  
3488 classified based on the standards of KCC 21A.24.313.

3489 SECTION 51. Ordinance 15051, Section 174 and K.C.C. 21A.24.313 are each  
3490 hereby amended to read as follows:

3491 Critical aquifer recharge areas are categorized as follows:

3492 A. Category I critical aquifer recharge areas include those mapped areas that  
3493 King County has determined are:

3494 1. ~~((h))~~Highly susceptible to groundwater contamination and that are located  
3495 within a sole source aquifer or a wellhead protection area; or

3496 2. In an area where hydrogeologic mapping or a numerical flow transport  
3497 model in a Washington department of health approved wellhead protection plan  
3498 demonstrate that the area is within the one year time of travel to a wellhead for a Group A  
3499 water system;

3500 B. Category II critical aquifer recharge areas include those mapped areas that  
3501 King County has determined:

3502 1. Have a medium susceptibility to ground water contamination and are located  
3503 in a sole source aquifer or a wellhead protection area; or

3504           2. Are highly susceptible to groundwater contamination and are not located in a  
3505 sole source aquifer or wellhead protection area; and

3506           C. Category III critical aquifer recharge areas include those mapped areas that  
3507 King County has determined have low susceptibility to groundwater contamination and  
3508 are located over an aquifer underlying an island that is surrounded by saltwater.

3509           SECTION 52. Ordinance 15051, Section 179 and K.C.C. 21A.24.316 are each  
3510 hereby amended to read as follows:

3511           The following development standards apply to development proposals and  
3512 alterations on sites containing critical aquifer recharge areas:

3513           A. Except as otherwise provided in subsection H. of this section, the following  
3514 new development proposals and alterations are not allowed on a site located in a category  
3515 I critical aquifer recharge area:

3516           1. Transmission pipelines carrying petroleum or petroleum products;

3517           2. Sand and gravel, and hard rock mining unless:

3518           a. the site has mineral zoning as of January 1, 2005; or

3519           b. mining is a permitted use on the site and the critical aquifer recharge area  
3520 was mapped after the date a complete application for mineral extraction on the site was  
3521 filed with the department;

3522           3. Mining of any type below the upper surface of the saturated ground water that  
3523 could be used for potable water supply;

3524           4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3525           5. Hydrocarbon extraction;

3526           6. Commercial wood treatment facilities on permeable surfaces;

3527           7. Underground storage tanks, including tanks that are exempt from the  
3528 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter  
3529 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.  
3530 Title 17;

3531           8. Above-ground storage tanks for hazardous substances, as defined in chapter  
3532 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3533 protection plan;

3534           9. Golf courses;

3535           10. Cemeteries;

3536           11. Wrecking yards;

3537           12. Landfills for hazardous waste, municipal solid waste or special waste, as  
3538 defined in K.C.C. chapter 10.04; and

3539           13. On lots smaller than one acre, an on-site septic system, unless:

3540           a. the system is approved by the Washington state Department of Health and  
3541 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~  
3542 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~  
3543 ~~typical domestic wastewater))~~ has been listed by the Washington state Department of  
3544 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

3545           b. the Seattle-King County department of public health determines that the  
3546 systems required under subsection A.13.a. of this section will not function on the site.

3547           B. Except as otherwise provided in subsection H. of this section, the following  
3548 new development proposals and alterations are not allowed on a site located in a category  
3549 II critical aquifer recharge area:

3550           1. Mining of any type below the upper surface of the saturated ground water that  
3551 could be used for potable water supply;

3552           2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3553           3. Hydrocarbon extraction;

3554           4. Commercial wood treatment facilities located on permeable surfaces;

3555           5.a. Except for a category II critical aquifer recharge area located over an  
3556 aquifer underlying an island that is surrounded by saltwater, underground storage tanks  
3557 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the  
3558 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

3559           b. For a category II critical aquifer recharge area located over an aquifer  
3560 underlying an island that is surrounded by saltwater, underground storage tanks,  
3561 including underground storage tanks exempt from the requirements of chapter 173-360  
3562 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply  
3563 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

3564           6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3565 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3566 protection plan;

3567           7. Wrecking yards;

3568           8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3569 defined in K.C.C. chapter 10.04; and

3570           9. On lots smaller than one acre, an on-site septic systems, unless:

3571           a. the system is approved by the Washington state Department of Health and  
3572 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~

3573 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~  
3574 ~~typical domestic wastewater))~~ has been listed by the Washington state Department of  
3575 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

3576 b. the Seattle-King County department of public health determines that the  
3577 systems required under subsection B.9.a. of this section will not function on the site.

3578 C. Except as otherwise provided in subsection H. of this section, the following  
3579 new development proposals and alterations are not allowed on a site located in a category  
3580 III critical aquifer recharge area:

- 3581 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3582 2. Hydrocarbon extraction;
- 3583 3. Commercial wood treatment facilities located on permeable surfaces;
- 3584 4. Underground storage tanks, including tanks exempt from the requirements of  
3585 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,  
3586 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 3587 5. Above ground storage tanks for hazardous substances, as defined in chapter  
3588 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3589 protection plan;
- 3590 6. Wrecking yards; and
- 3591 7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3592 defined in K.C.C. chapter 10.04.

3593 D. The following standards apply to development proposals and alterations that  
3594 are substantial improvements on a site located in a critical aquifer recharge area:

3595           1. The owner of an underground storage tank, including a tank that is exempt  
3596 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge  
3597 area or a category II critical aquifer recharge area located over an aquifer underlying an  
3598 island that is surrounded by saltwater shall either bring the tank into compliance with the  
3599 standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove  
3600 the tank; and

3601           2. The owner of an underground storage tank in a category II critical aquifer  
3602 recharge area not located on located over an aquifer underlying an island that is  
3603 surrounded by saltwater shall bring the tank into compliance with the standards of  
3604 chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the  
3605 tank.

3606           E. In any critical aquifer recharge area, the property owner shall properly  
3607 decommission an abandoned well.

3608           F. On a site located in a critical aquifer recharge area within the urban growth  
3609 area, a development proposal for new residential development, including, but not limited  
3610 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
3611 practices included in the King County Surface Water Design Manual into the site design  
3612 in order to infiltrate stormwater runoff to the maximum extent practical.

3613           G. On an island surround by saltwater, the owner of a new well located within  
3614 two hundred feet of the ordinary high water mark of the marine shoreline and within a  
3615 critical aquifer recharge area shall test the well for chloride levels using testing protocols  
3616 approved by the Washington state Department of Health. The owner shall report the  
3617 results of the test to Seattle-King County department of public health and to the

3618 department of natural resources and parks. If the test results indicate saltwater intrusion  
3619 is likely to occur, the department of natural resources and parks, in consultation with  
3620 Seattle-King County department of public health, shall recommend appropriate measures  
3621 to prevent saltwater intrusion.

3622 H. On a site greater than twenty acres, the department may approve a  
3623 development proposal otherwise prohibited by subsections A., B. and C. of this section if  
3624 the applicant demonstrates through a critical areas report that the development proposal is  
3625 located outside the critical aquifer recharge area and that the development proposal will  
3626 not cause a significant adverse environmental impact to the critical aquifer recharge area.

3627 I. The provisions relating to underground storage tanks in subsections A. through  
3628 D. of this section apply only when the proposed regulation of underground storage tanks  
3629 has been submitted to and approved by the Washington state department of ecology, in  
3630 accordance with 90.76.040 RCW and WAC 173-360-530.

3631 SECTION 53. Ordinance 15051, Section 185 and K.C.C. 21A.24.325 are each  
3632 hereby amended to read as follows:

3633 Except as otherwise provided in this section, buffers shall be provided from the  
3634 wetland edge as follows:

3635 A. In the Urban Growth Area, buffers for wetlands shall be established in  
3636 accordance with the following standards:

3637 1. The standard buffer widths of the following table shall apply unless modified  
3638 in accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from ((29)) <u>31</u> to 36 points	225 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category I wetlands not meeting any of the criteria ((below)) <u>above</u>	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from ((29)) <u>31</u> to 36 points	200 feet
Habitat score from 20 to ((28)) <u>30</u> points	125 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category II wetlands not meeting any of the criteria ((below)) <u>above</u>	100 feet



WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria <del>((below))</del> <u>above</u>	75 feet
<b>Category IV</b>	50 feet

3639 2. If a Category I or II wetland with habitat score greater than twenty points is  
3640 located within three hundred feet of a priority habitat area as defined by the Washington  
3641 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this  
3642 section shall be increased by fifty feet unless:

3643 a.(i) the applicant provides relatively undisturbed vegetated corridor at least  
3644 one hundred feet wide between the wetland and all priority habitat areas located within  
3645 three hundred feet of the wetland. The corridor shall be protected for the entire distance  
3646 between the wetland and the priority habitat through a conservation easement, native  
3647 growth protection easement or the equivalent; and

3648 ~~((b.))~~ (ii) the applicable mitigation measures in subsection A.3.b. of this  
3649 section are provided; or

3650 b. the wetland is a freshwater or deep freshwater wetland; and

3651 3. Buffers calculated in accordance with subsection A.1. and A.2. of this  
3652 ~~((section))~~ section shall be reduced as follows:

3653 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if  
3654 the applicant implements all applicable mitigation measures identified in subsection  
3655 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the

3656 impacts of the development and the department determines the alternative provides  
 3657 equivalent mitigation.

3658 b. The following mitigation measures may be used by an applicant to obtain a  
 3659 reduced buffer width under subsection A.1. of this section:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>	<b>Activities that may cause the disturbance</b>
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or  Covenants limiting use of pesticides within 150 ft of wetland, or  Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces <u>using low impact development measures identified in the King County Surface Water Design Manual</u>	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

3660 B. For a wetland located outside the Urban Growth Area:

3661 1. The buffers shown on the following table apply unless modified in

3662 accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each</u> <u>habitat</u> <u>point above</u> <u>20</u>
<b>Category II</b>			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each</u> <u>habitat</u> <u>point above</u> <u>20</u>
<b>Category III</b>			
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category IV</b>	50 feet	40 feet	25 feet

3663                   2. For purposes of this subsection B., unless the director determines a lesser  
3664 level of impact is appropriate based on information provided by the applicant, the  
3665 intensity of impact of the adjacent land use is determined as follows:

3666                   a. high impact includes:

3667                   (1) sites zoned commercial or industrial;

3668                   (2) commercial or industrial use on a site regardless of the zoning  
3669 designation;

3670 (3) nonresidential use on a site zoned for residential use;

3671 (4) active recreation use on a site regardless of zoning;

3672 b. moderate impact includes:

3673 (1) residential uses on sites zoned rural residential ~~((without an approved~~

3674 ~~rural stewardship plan))~~;;

3675 (2) residential use on a site zoned agriculture or forestry; or

3676 (3) agricultural uses without an approved farm management plan; and

3677 c. low impact includes:

3678 (1) forestry use on a site regardless of zoning designation;

3679 (2) ~~((residential uses on sites zoned rural residential with an approved rural~~

3680 ~~stewardship plan;~~

3681 ~~((3)))~~ passive recreation uses, such as trails, nature viewing areas, fishing and

3682 camping areas, and other similar uses that do not require permanent structures, on a site

3683 regardless of zoning; or

3684 ~~((4)))~~ (3) agricultural uses carried out in accordance with an approved farm

3685 management plan.

3686 C. The department may approve a modification of the minimum buffer width

3687 required by this section by averaging the buffer width if:

3688 1. The department determines that:

3689 a. the ecological structure and function of the buffer after averaging is

3690 equivalent to or greater than the structure and function before averaging; or

3691 b. averaging includes the corridors of a wetland complex; and

3692 2. The resulting buffer meets the following standards:

3693           a. the total area of the buffer after averaging is equivalent to or greater than the  
3694 area of the buffer before averaging;

3695           b. the additional buffer is contiguous with the standard buffer; and

3696           c. if the buffer width averaging allows a structure or landscaped area to intrude  
3697 into the area that was buffer area before averaging, the resulting landscaped area shall  
3698 extend no more than fifteen feet from the edge of the structure's footprint toward the  
3699 reduced buffer.

3700           D. Wetland buffer widths shall also be subject to modifications under the  
3701 following special circumstances:

3702           1. For wetlands containing documented habitat for endangered, threatened or  
3703 species of local importance, the following shall apply:

3704           a. the department shall establish the appropriate buffer, based on a habitat  
3705 assessment, to ensure that the buffer provides adequate protection for the sensitive  
3706 species; and

3707           b. the department may apply the buffer increase rules in subsection A.2. of this  
3708 section, the buffer reduction rules in subsection A.3. of this section, and the buffer  
3709 averaging rules in subsection C. of this section;

3710           2. For a wetland buffer that includes a steep slope hazard area or landslide  
3711 hazard area, the buffer width is the greater of ~~((either))~~ the buffer width required by the  
3712 wetland's category in this section or twenty-five feet beyond the top of the hazard area;  
3713 and

3714           3. For a wetland complex located outside the Urban Growth Area established by  
3715 the King County Comprehensive Plan or located within the Urban Growth Area in a

3716 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included  
3717 as Attachment A to ~~((this ordinance))~~ Ordinance 15051, the buffer width is determined as  
3718 follows:

3719 a. the buffer width for each individual wetland in the complex is the same  
3720 width as the buffer width required for the category of wetland;

3721 b. if the buffer of a wetland within the complex does not touch or overlap with  
3722 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
3723 that wetland to one other wetland buffer in the complex considering the following  
3724 factors:

3725 (1) the corridor is designed to support maintaining viable wildlife species that  
3726 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3727 during a critical life cycle stage, such as breeding, rearing, or feeding;

3728 (2) the corridor minimizes fragmentation of the wetlands;

3729 (3) higher category wetlands are connected through corridors before lower  
3730 category wetlands; and

3731 (4) the corridor width is a least twenty-five percent of the length of the  
3732 corridor, but no less than twenty-five feet in width; and

3733 (5) shorter corridors are preferred over longer corridors;

3734 c. wetlands in a complex that are connected by an aquatic area that flows  
3735 between the wetlands are not required to be connected through a corridor;

3736 d. the department may exclude a wetland from the wetland complex if the  
3737 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species



3738 that are commonly recognized to exclusively or partially use wetlands and wetland  
3739 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and  
3740 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are  
3741 allowed in corridors subject to the same conditions and requirements as wetland buffers  
3742 as long as the alteration is designed so as not to disrupt wildlife movement through the  
3743 corridor; and  
3744 4. Where a legally established roadway transects a wetland buffer, the  
3745 department may approve a modification of the minimum required buffer width to the  
3746 edge of the roadway if the part of the buffer on the other side of the roadway sought to be  
3747 reduced:  
3748 a. does not provide additional protection of the proposed development or the  
3749 wetland; and  
3750 b. provides insignificant biological, geological or hydrological buffer functions  
3751 relating to the other portion of the buffer adjacent to the wetland."  
3752 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,  
3753 the buffer widths shall be established under the rural stewardship plan and shall not  
3754 exceed the standard for a low impact land use, unless the department of natural resources  
3755 and parks determines that a larger buffer is necessary to achieve no net loss of wetland  
3756 ecological function.  
3757 E. (~~Wetlands created through voluntary enhancement or restoration projects are~~  
3758 ~~not subject~~)) The department may approve a modification to the buffers established in  
3759 subsections A. and B. of this section if the wetland was created or its characterization was  
3760 upgraded as part of a voluntary enhancement or restoration project.

3761            SECTION 54. Ordinance 15051, Section 187 and K.C.C. 21A.24.335 are each  
3762 hereby amended to read as follows:

3763            The following development standards apply to development proposals and  
3764 alterations on sites containing wetlands or their buffers:

3765            A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3766 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3767            B. The applicant shall not introduce any plant or wildlife that is not indigenous to  
3768 the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state  
3769 or federal permit or approval;

3770            C. A category IV wetland less than two-thousand-five-hundred square feet that is  
3771 not part of a wetland complex may be altered in accordance with an approved mitigation  
3772 plan by relocating ~~((its functions))~~ the wetland into a new wetland, ~~((on the site))~~ with  
3773 equivalent or greater functions, or into an existing wetland at the ratios specified in  
3774 K.C.C. 21A.24.340 based on the type of mitigation measures proposed ~~((in accordance~~  
3775 ~~with an approved mitigation plan))~~; and

3776            D. Alterations to category I wetlands containing bogs or fens are limited to  
3777 K.C.C. 21A.24.045 D.20. and D.52.

3778            SECTION 55. Ordinance 10870, Section 481, as amended, and K.C.C.  
3779 21A.24.340 are each hereby amended to read as follows:

3780            In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the  
3781 following applies to ~~((mitigation))~~ mitigation to compensate for the adverse impacts  
3782 associated with an alteration to a wetland or wetland buffer:

3783 A. Mitigation measures must achieve equivalent or greater wetland functions,  
3784 including, but not limited to:

- 3785 1. Habitat complexity, connectivity and other biological functions; and  
3786 2. Seasonal hydrological dynamics, as provided in the King County Surface  
3787 Water Design Manual;

3788 B. The following ratios of area of mitigation to area of alteration apply to  
3789 mitigation measures for permanent alterations:

- 3790 1. For alterations to a wetland buffer, a ratio of one to one; and  
3791 2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case

based on score for functions				
Category I natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3792 C. The following ratios of area of mitigation to area of alteration apply to  
3793 mitigation measures for temporary alterations where wetlands will not be impacted by  
3794 permanent fill material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category II	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category III	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category	1.5:1	1:1	.75:1	Not	Not	Not

IV				applicable	applicable	applicable
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3795 D. The department may increase the mitigation ratios provided in subsections B.

3796 and C. of this section under the following circumstances:

3797 1. The department determines there is uncertainty as to the probable success of  
3798 the proposed restoration or creation;

3799 2. A significant period of time will elapse between the impact caused by the  
3800 development proposal and the establishment of wetland functions at the mitigation site;

3801 3. The proposed mitigation will result in a lower category wetland or reduced  
3802 functions relative to the wetland being impacted; or

3803 4. The alteration causing the impact was an unauthorized impact.

3804 E. The department may decrease the mitigation ratios provided in subsections B.

3805 and C. of this section under the following circumstances:

3806 1. The applicant demonstrates by documentation submitted by a qualified  
3807 wetland specialist that the proposed mitigation actions have a very high likelihood of  
3808 success based on hydrologic data and prior experience;

3809 2. The applicant demonstrates by documentation by a qualified wetland  
3810 specialist that the proposed actions for compensation will provide functions and values  
3811 that are significantly greater than the wetland being impacted;

3812 3. The applicant demonstrates that the proposed actions for mitigation have  
3813 been conducted in advance of the impact caused by the development proposal and that  
3814 the actions are successful; or

3815 4. In wetlands where several wetland hydrogeomorphic classes, including, but  
3816 not limited to depressional, slope, riverine and flow through, are found within one  
3817 delineated boundary, the department may decrease the ratios if:

3818           a. impacts to the wetland are all within an area that has a different  
3819 hydrogeomorphic class from the one used to establish the category;  
3820           b. the category of the area with a different class is lower than that of the entire  
3821 wetland; and  
3822           c. the applicant provides adequate hydrologic and geomorphic data to establish  
3823 that the boundary between the hydrogeomorphic classes lies outside of the footprint of  
3824 the impacts.

3825           F. For temporary alterations to a wetland or its buffer that are predominately  
3826 woody vegetation, the department may require mitigation in addition to restoration of the  
3827 altered wetland or buffer; and

3828           G. Mitigation of an alteration to a buffer of a wetland that occurs along an  
3829 aquatic area lake shoreline in accordance with an allowed alteration under this chapter  
3830 shall include, but is not limited to, on-site revegetation, maintenance and other restoration  
3831 of the buffer or setback area to the maximum extent practical(~~and~~

3832           ~~H. The department may consider two or more contiguous sites under common~~  
3833 ~~ownership and located in the same drainage subbasin, as one site for the purpose of~~  
3834 ~~mitigation ratios)).~~

3835           SECTION 56. Ordinance 15051, Section 192 and K.C.C. 21A.24.355 are each  
3836 hereby amended to read as follows:

3837           A. Aquatic areas are categorized or "typed" as follows:

3838           1. Type S waters include all aquatic areas inventoried as "shorelines of the state"  
3839 under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with  
3840 chapter 90.58 RCW, including segments of streams where the mean annual flow is more

3841 than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or  
3842 greater;

3843           2. Type F waters include all segments of aquatic areas that are not type S waters  
3844 and that contain fish or fish habitat, including waters diverted for use by a federal, state or  
3845 tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the  
3846 entire tributary if the tributary is highly significant for protection of downstream water  
3847 quality;

3848           3. Type N waters include all segments of aquatic areas that are not type S or F  
3849 waters and that are physically connected to type S or F waters by an above-ground  
3850 channel system, stream or wetland; and

3851           4. Type O waters include all segments of aquatic areas that are not type S, F or  
3852 N waters and that are not physically connected to type S, F or N waters by an above-  
3853 ground channel system, pipe or culvert, stream or wetland.

3854           B. For the purposes of the water types in subsection A. of this section, an above-  
3855 ground channel system is considered to be present if the one-hundred year floodplains of  
3856 both the contributing and receiving waters are connected.

3857           C. The department may determine that an area upstream of a legal human-made  
3858 barrier is not fish habitat considering the following factors:

3859           1. The human-made barrier is located beneath public infrastructure that is  
3860 unlikely to be replaced and it is not feasible to remove the barrier without removing the  
3861 public infrastructure;

3862           2. The human-made barrier is in the Urban Growth Area established by the  
3863 King County Comprehensive Plan and is located beneath one or more dwelling units and  
3864 it is not feasible to remove the barrier without removing the dwelling unit;

3865           3. The human-made barrier is located in a subbasin that is not designated "high"  
3866 on the Basin and Shoreline Conditions Map which is included as Attachment A to ~~((this~~  
3867 ~~ordinance))~~ Ordinance 15051; or

3868           4. The human-made barrier is not identified for removal by a public agency or  
3869 in an adopted watershed plan.

3870           SECTION 57. Ordinance 15051, Section 193 and K.C.C. 21A.24.358 are each  
3871 hereby amended to read as follows:

3872           A. Aquatic area buffers shall be measured as follows:

3873           1. From the ordinary high water mark or from the top of bank if the ordinary  
3874 high water mark cannot be identified;

3875           2. If the aquatic area is located within a mapped severe channel migration area,  
3876 the aquatic area buffer width shall be the greater of the aquatic area buffer width as  
3877 measured consistent with subsection A.1. of this section or the outer edge of the severe  
3878 channel migration area; or

3879           3. If the aquatic area buffer includes a steep slope hazard area or landslide  
3880 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in  
3881 this section or twenty-five feet beyond the top of the hazard area.

3882           B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

3883           1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;



3884           2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"  
3885 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;  
3886           3. A type N aquatic area buffer is sixty-five-feet; and  
3887           4. A type O aquatic area buffer is twenty-five-feet.  
3888       C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:  
3889           1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;  
3890           2. A type N aquatic area buffer is sixty-five-feet; and  
3891           3. A type O aquatic area buffer is twenty-five-feet.  
3892       D. Within the Bear Creek drainage basin a type N aquatic area buffer in a  
3893 designated regionally significant resource area is one-hundred-feet.  
3894       E. The department may approve a modification of buffer widths if:  
3895           1. The department determines that through buffer averaging the ecological  
3896 structure and function of the resulting buffer is equivalent to or greater than the structure  
3897 and function before averaging and meets the following standards:  
3898           a. The total area of the buffer is not reduced;  
3899           b. The buffer area is contiguous; and  
3900           c. Averaging does not result in the reduction of the minimum buffer for the  
3901 buffer area waterward of the top of the associated steep slopes or for a severe channel  
3902 migration hazard area;  
3903           2. The applicant demonstrates that the buffer cannot provide certain functions  
3904 because of soils, geology or topography, provided that the department shall establish  
3905 buffers which protect the remaining ecological functions that the buffer can provide;

3906           3. The site is zoned RA and is subject to an approved rural stewardship plan. In  
3907   modifying the buffers, the department shall consider factors such as, the basin and  
3908   shoreline condition, the location of the site within the basin and shoreline, the buffer  
3909   condition and the amount of clearing;

3910           4. A legally established roadway transects an aquatic area buffer, the roadway  
3911   edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on  
3912   the other side of the roadway provides insignificant biological or hydrological function in  
3913   relation to the portion of the buffer adjacent to the aquatic area; and

3914           5. The aquatic area is created or its type is changed as a result of enhancement  
3915   or restoration projects that are not mitigation for a development proposal or alteration.

3916           SECTION 58. Ordinance 15051, Section 195 and K.C.C. 21A.24.365 are each  
3917   hereby amended to read as follows:

3918           The following development standards apply to development proposals and  
3919   alterations on sites containing aquatic areas or their buffers:

3920           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3921   alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area  
3922   buffers;

3923           B. Grading for allowed alterations in aquatic area buffers is only allowed from  
3924   May 1 to October 1. This period may be modified when the department determines it is  
3925   necessary along marine shorelines to protect critical forage fish and salmonid migration  
3926   or as provided in K.C.C. 16.82.095;

3927           C. The moisture-holding capacity of the topsoil layer on all areas of the site not  
3928   covered by impervious surfaces should be maintained by:

3929 1. Minimizing soil compaction, or  
3930 2. Reestablishing natural soil structure and the capacity to infiltrate;  
3931 D. New structures within an aquatic area buffer should be sited to avoid the  
3932 creation of future hazard trees and to minimize the impact on groundwater movement;  
3933 ~~((and))~~  
3934 E. To the maximum extent practical:  
3935 1. The soil duff layer should not be disturbed, but if disturbed, should be  
3936 redistributed to other areas of the project site where feasible;  
3937 2. A spatial connection should be provided between vegetation within and  
3938 outside the aquatic area buffer to prevent creation of wind throw hazards; and  
3939 3. Hazard trees should be retained in aquatic area buffers and either topped or  
3940 pushed over toward the aquatic area; and  
3941 G. If a restoration, enhancement or mitigation project proposes to place large  
3942 woody debris waterward of the ordinary high water mark of a Type S aquatic area, the  
3943 applicant shall consider the potential for recreational hazards in project design.  
3944 SECTION 59. Ordinance 10870, Section 485, as amended, and K.C.C.  
3945 21A.24.380 are each hereby amended to read as follows:  
3946 In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133,  
3947 the following applies to mitigation to compensate for the adverse impacts associated with  
3948 an alteration to an aquatic area or aquatic area buffer:  
3949 A. Mitigation measures must achieve equivalent or greater aquatic area functions  
3950 including, but not limited to:  
3951 1. Habitat complexity, connectivity and other biological functions;

3952                   2. Seasonal hydrological dynamics, water storage capacity and water quality;  
3953    and  
3954                   3. Geomorphic and habitat processes and functions;  
3955                   B. To the maximum extent practical, permanent alterations that require  
3956    restoration or enhancement of the altered aquatic area, aquatic area buffer or another  
3957    aquatic area or aquatic area buffer must consider the following design factors, as  
3958    applicable to the function being mitigated:  
3959                   1. The natural channel or shoreline reach dimensions including its depth, width,  
3960    length and gradient;  
3961                   2. The horizontal alignment and sinuosity;  
3962                   3. The channel bed, sea bed or lake bottom with identical or similar substrate  
3963    and similar erosion and sediment transport dynamics;  
3964                   4. Bank and buffer configuration and erosion and sedimentation rates; and  
3965                   5. Similar vegetation species diversity, size and densities in the channel, sea bed  
3966    or lake bottom and on the riparian bank or buffer;  
3967                   C. Mitigation to compensate for adverse impacts shall meet the following  
3968    standards:  
3969                   1. Not upstream of a barrier to fish passage;  
3970                   2. Is equal or greater in biological function; and  
3971                   3. To the maximum extent practical is located on the site of the alteration or  
3972    within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of  
3973    mitigation to area of alteration; or

3974 4. Is located in the same aquatic area drainage subbasin or marine shoreline and  
3975 attains the following ratios of area of functional mitigation to area of alteration:

3976 a. a 3:1 ratio for a type S or F aquatic area; and  
3977 b. a 2:1 ratio for a type N or O aquatic area;

3978 D. For purposes of subsection C. of this section, a mitigation measure is in the  
3979 same aquatic area reach if the length of aquatic area shoreline meets the following  
3980 criteria:

3981 1. Similar geomorphic conditions including slope, soil, aspect and substrate;  
3982 2. Similar processes including erosion and transport of sediment and woody  
3983 debris;  
3984 3. Equivalent or better biological conditions including invertebrates, fish,  
3985 wildlife and vegetation; and  
3986 4. Equivalent or better biological functions including mating, reproduction,  
3987 rearing, migration and refuge; or  
3988 5. For tributary streams, a distance of no more than one-half mile;

3989 E. The department may reduce the mitigation ratios in subsection C. of this  
3990 section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic  
3991 area if the applicant provides a scientifically rigorous mitigation monitoring program that  
3992 includes the following elements:

3993 1. Monitoring methods that ensure that the mitigation meets the approved  
3994 performance standards identified by the department;  
3995 2. Financing or funding guarantees for the duration of the monitoring program;  
3996 and

3997 3. Experienced, qualified staff to perform the monitoring;

3998 F. For rectifying an illegal alteration to any type of aquatic area or its buffer,

3999 mitigation measures must meet the following standards:

4000 1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation

4001 to area of alteration; and

4002 2. To the maximum extent practical, replicates the natural prealteration

4003 configuration at its natural prealteration location including the factors in subsection B. of

4004 this section; and

4005 G. The department may modify the requirements in this section if the applicant

4006 demonstrates that, with respect to each aquatic area function, greater functions can be

4007 obtained in the affected hydrologic unit that the department may determine to be the

4008 drainage subbasin through alternative mitigation measures.

4009 H. For temporary alterations to an aquatic area or its buffer that is predominately

4010 woody vegetation, the department may require mitigation in addition to restoration of the

4011 altered aquatic area or buffer.

4012 NEW SECTION. SECTION 60. A new section is hereby added to K.C.C.

4013 Chapter 21A.24 to read as follows:

4014 The department shall only approve an aquatic habitat restoration project that is

4015 proposed for a site located within the agricultural production districts as follows:

4016 A. The project shall be located on agricultural lands that the department of

4017 natural resources and parks determines:

4018 1.a. Are unsuitable for direct agricultural production purposes, such as portions

4019 of property that have not historically been farmed due to soil conditions or frequent

4020 flooding and that it determines cannot be returned to productivity by drainage  
4021 maintenance; or

4022           b. The proposed project would result in a net benefit to agricultural  
4023 productivity in the agricultural production district;

4024           2. The project will not reduce the ability to farm in the area; and

4025           3. Agriculture will remain the predominant use in the agricultural production  
4026 district;

4027           B. The applicant shall demonstrate to the satisfaction of the department that there  
4028 are no other suitable land outside the agricultural production district that is available for  
4029 the project;

4030           C. The department shall hold a public meeting to solicit input from the property  
4031 owners affected by the project; and

4032           D. The department shall determine that the project:

4033           1. The project is included in an approved Water Resources Inventory Area Plan,  
4034 Farm Management Plan, Flood Hazard Management Plan, or other King County  
4035 functional plan; or

4036           2. Based on the recommendation of the department of natural resources and  
4037 parks, the project would improve agricultural productivity within the agricultural  
4038 productions district.

4039           SECTION 61. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500  
4040 are each hereby amended to read as follows:

4041           A.1. A property owner or the property owner's agent may request a critical area  
4042 designation for part or all of a site, without seeking a permit for a development proposal,

by filing with the department a written application for a critical area designation on a form provided by the department. If the request is for review of a portion of a site, the application shall include a map identifying the portion of the site for which the designation is sought.

2. ~~((The designation is limited to the following determinations:~~

~~a. The existence, location, and boundaries of any aquatic area, wetland, critical aquifer recharge area, coal mine hazard area, landslide hazard area or steep slope on the site; and~~

~~b. The classification of any aquatic area or wetland.~~

3.)) The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.

B. In preparing the critical area designation, the department shall perform a critical area review to:

1. Determine whether any critical area ~~((that is subject to this designation process))~~ exists on the site and confirm its type, location, boundaries and classification;

2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;

3. Evaluate the critical area report, if required; and

4. Document the existence, location and classification of any critical area ~~((that is subject to this designation process))~~.

C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2.



of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;

D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. The written determination made under this section as to the existence, location, classification of a critical area and critical area buffers is effective for five years from the date the determination is issued if there has been no change in site conditions. The department shall rely on the determination of the existence, location and classification of the critical area and the critical area buffer in its review of a complete application for a permit or approval filed within five years after the determination is issued. If the determination applies to less than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.

E. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying

development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.

SECTION 62. Ordinance 15051, Section 230 and K.C.C. 21A.24.515 are each hereby amended to read as follows:

The department of natural resources and parks, in consultation with the department of development and environmental services, shall conduct monitoring ~~((in one or two subbasins))~~ to evaluate the effect of this ~~((ordinance))~~ chapter on ~~((wetland))~~ protecting the functions and values of critical areas. ~~((The departments shall file a status report on the monitoring with the clerk of the council for distribution to the chair of the growth management and unincorporated areas committee, or its successor committee, not later than January 1, 2007. The departments shall file a final report on the monitoring with the clerk of the council for distribution to the chair of the growth management and unincorporated areas committee, or its successor committee, not later than January 1, 2010.))~~

SECTION 63. Ordinance 11621, Section 90 and K.C.C. 21A.28.154 are each hereby amended to read as follows:

A. There is hereby created a School Technical Review Committee (STRC) within King County. The Committee shall consist of ~~((4))~~ three county staff persons, one each

4112 from the department of development and environmental services, (~~the planning and~~  
4113 ~~community development division,~~) the office of financial management and the county  
4114 council.

4115 B. The Committee shall be charged with reviewing each school district's capital  
4116 facilities plan, enrollment projections, standard of service, the district's overall capacity  
4117 for the next six (6) years to ensure consistency with the Growth Management Act, King  
4118 County Comprehensive Plan, and adopted community plans, and the district's calculation  
4119 and rationale for proposed impact fees.

4120 C. Notice of the time and place of the Committee meeting where the district's  
4121 documents will be considered shall be provided to the district.

4122 D. At the meeting where the Committee will review or act upon the district's  
4123 documents, the district shall have the right to attend or to be represented, and shall be  
4124 permitted to present testimony to the Committee. Meetings shall also be open to the  
4125 public.

4126 E. In its review, the Committee shall consider the following factors:

4127 1. Whether the district's forecasting system for enrollment projections has been  
4128 demonstrated to be reliable and reasonable.

4129 2. The historic levels of funding and voter support for bond issues in the district;

4130 3. The inability of the district to obtain the anticipated state funding or to  
4131 receive voter approval for district bond issues;

4132 4. An emergency or emergencies in the district which required the closing of a  
4133 school facility or facilities resulting in a sudden and unanticipated decline in districtwide  
4134 capacity; and

4135           5. The standards of service set by school districts in similar types of  
4136 communities. While community differences will be permitted, the standard established  
4137 by the district should be reasonably consistent with the standards set by other school  
4138 districts in communities of similar socioeconomic profile.

4139           6. The Committee shall consider the standards identified by the state concerning  
4140 the ratios of certificated instructional staff to students.

4141           F. In the event that the district's standard of service reveals a deficiency in its  
4142 current facilities, the Committee shall review the district's capital facilities plan to  
4143 determine whether the district has identified all sources of funding necessary to achieve  
4144 the standard of service.

4145           G. The district in developing the Financing Plan Component of the Capital  
4146 Facilities Plan shall plan on a six-year horizon and shall demonstrate its best efforts by  
4147 taking the following steps:

4148           1. Establish a six-year financing plan, and propose the necessary bond issues  
4149 and levies required by and consistent with that plan and as approved by the school board  
4150 and consistent with RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

4151           2. Apply to the state for funding, and comply with the state requirement for  
4152 eligibility to the best of the district's ability.

4153           H. The Committee is authorized to request the school district to review and to  
4154 resubmit its capital facilities plan, or to establish a different standard of service, or to  
4155 review its capacity for accommodating new students, under the following circumstances:

4156           1. The standard of service established by the district is not reasonable in light of  
4157 the factors set forth in subsection E of this section.

4158           2. The Committee finds that the district's standard of service cannot reasonably  
4159 be achieved in light of the secured financial commitments and the historic levels of  
4160 support in the district; or

4161           3. Any other basis which is consistent with the provisions of this section.

4162           I. The Committee shall prepare and submit an annual report to the King County  
4163 council for each school district recommending a certification of concurrency in the  
4164 district, except as provided in Subsection L of this section using the school concurrency  
4165 standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital  
4166 facilities plan for review by the STRC, King County shall assume the district has  
4167 adequate capacity to accommodate growth for the following six years.

4168           J. The Committee shall submit copies of its recommendation of concurrency for  
4169 each school district to the director of DDES, to the hearing examiner, and to the district.

4170           K. The committee shall recommend to the council a comprehensive plan  
4171 amendment adopting the district's capital facilities plan as part of the comprehensive  
4172 plan, for any plan which the Committee concludes accurately reflects the district's  
4173 facilities status.

4174           L. In the event that after reviewing the district's capital facilities plan and other  
4175 documents, the Committee is unable to recommend certifying concurrency in a school  
4176 district, the Committee shall submit a statement to the council, the director and the  
4177 hearing examiner stating that the Committee is unable to recommend certifying  
4178 concurrency in a specific school district. The Committee shall recommend to the  
4179 executive that he propose to the council, amendments to the land use element of the King  
4180 County Comprehensive Plan or amendments to the development regulations

implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations.

SECTION 64. Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040 are each hereby amended to read as follows:

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection F of this section. The density incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units, earned per amount of public benefit provided.

B. Bonus dwelling units may be earned through any combination of the listed public benefits.

C. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the council in the consolidated housing and community development plan.

D. Bonus dwelling units may also be earned and transferred to the project site through the transfer of development rights (TDR) program established in K.C.C. chapter 21A.37, by providing any of the open space, park site or historic preservation public benefits set forth in subsection F.2. or 3. of this section on sites other than that of the RDI development.

E. Residential development in R-4 through R-48 zones with property specific development standards requiring any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units in accordance with subsection F of this section if the

4204 public benefits provided exceed the basic development standards of this title. If a  
4205 development is located in a special overlay district, bonus units may be earned if the  
4206 development provides public benefits exceeding corresponding standards of the special  
4207 district.

4208 F. The following are the public benefits eligible to earn density incentives  
4209 through RDI review:

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BENEFIT

DENSITY INCENTIVE

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1. AFFORDABLE HOUSING

a. Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (that is no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.

BENEFIT	DENSITY INCENTIVE
<p>b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.</p>
<p>c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less.</p>	<p>1 bonus unit per benefit unit</p>



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BENEFIT

DENSITY INCENTIVE

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d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

0.75 bonus unit per benefit unit.

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BENEFIT

DENSITY INCENTIVE

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e. Benefit units consisting of moderate income housing reserved for income and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1 bonus unit per benefit unit.

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BENEFIT

DENSITY INCENTIVE

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f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit.

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BENEFIT

DENSITY INCENTIVE

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g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

1.0 bonus unit per benefit unit.

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BENEFIT

DENSITY INCENTIVE

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2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.

0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks.

0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

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BENEFIT

DENSITY INCENTIVE

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c. Improvement of dedicated trail  
segment to King County standards.

1.8 bonus units per quarter mile  
of trail constructed to county standard  
for pedestrian trails; or

2.5 bonus units per quarter mile  
of constructed to county standard for  
multipurpose trails (pedestrian/  
bicycle/equestrian).

Shorter segments shall be  
awarded bonus units on a pro rata basis.  
If the applicant is dedicating the site of  
the improvements, the bonus units  
earned by improvements shall be added  
to the bonus units earned by the  
dedication.

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BENEFIT

DENSITY INCENTIVE

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d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy.	0.5 bonus unit per acre of open space.
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3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County landmarks commission.	0.5 bonus unit per acre of historic site.
b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County landmarks commission.	0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

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BENEFIT

DENSITY INCENTIVE

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4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.15 bonus unit per benefit unit that achieves the required savings.



BENEFIT	DENSITY INCENTIVE
<p>b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).</p>	<p>0.10 bonus unit per benefit unit that achieves the required savings.</p>
<p>c. Developments located within <del>((1/4))</del> <u>1/2</u> mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours <u>or within 1/2 mile of a light rail transit or commuter rail station.</u></p>	<p>10 percent increase above the base density of the zone.</p>

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BENEFIT

DENSITY INCENTIVE

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5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site.

5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.

5 percent increase above the base density of the zone.

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## BENEFIT

## DENSITY INCENTIVE

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### 6. COTTAGE HOUSING

Provision of three to sixteen detached cottage units clustered around at least one common open space.

Two hundred percent of the base density of the underlying zone. Limited to parcels in the R4-R8 zones. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

### 7. COMPACT HOUSING

In R and UR zones, for the construction of detached single family homes 1500 square feet or smaller.

One hundred fifty percent of the base density of the underlying zone.

### 8. WALKABLE COMMUNITIES

In commercial centers located inside the urban growth area, as part of a development proposal that includes elements of walkable design and transit oriented development.

Two hundred percent of the base density of the underlying zone

4210 If proposed energy conservation bonus units of this section are reviewed in  
4211 conjunction with a subdivision or a short subdivision, the applicant shall provide data and  
4212 calculations for a typical house of the type to be built in the development that  
4213 demonstrates to the department's satisfaction how the required savings will be achieved.  
4214 A condition of approval shall be recorded with the plat and shown on the title of each lot  
4215 specifying the required energy savings that must be achieved in the construction of the  
4216 dwelling unit. The plat notation shall also specify that the savings shall be based on the  
4217 energy code in effect at the time of preliminary plat application. (15032 § 38, 2004: Ord.  
4218 14190 § 36, 2001: Ord. 14045 § 56, 2001: Ord. 10870 § 563, 1993).

4219 SECTION 65. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
4220 are each hereby amended to read as follows:

4221 A. The purpose of the transfer of development rights program is to transfer  
4222 residential density from (~~(eligible)~~) eligible sending sites to eligible receiving sites  
4223 through a voluntary process (~~(for)~~) that permanently (~~(preserving)~~) preserves rural,  
4224 resource and urban separator lands that provide a public benefit. The TDR provisions  
4225 are intended to supplement land use regulations, resource protection efforts and open  
4226 space acquisition programs and to encourage increased residential development density  
4227 or increased commercial square footage, especially inside cities, where it can best be  
4228 accommodated with the least impacts on the natural environment and public services by:

4229 1. Providing an effective and predictable incentive process for property owners  
4230 of rural, resource and urban separator land to preserve lands with a public benefit as  
4231 described in K.C.C. 21A.37.020; and

2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 66. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are each hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under subsection B of this section. Sending sites may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan ~~((and cannot be))~~. Except for lands zoned RA that are managed by the Washington State Department of Natural Resources as state grant or state forest lands, lands in public ownership may not be sending sites. If the sending site consists of more than one tax lot, the lots must be contiguous. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed; this provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development

4255 rights to another site is in the public interest. A sending site must meet at least one of the  
4256 following criteria:

4257 1. Designation in the King County Comprehensive Plan or a functional plan as  
4258 an agricultural production district or zoned A;

4259 2. Designation in the King County Comprehensive Plan or a functional plan as  
4260 forest production district or zoned F;

4261 3. Designation in the King Count Comprehensive Plan as rural residential,  
4262 zoned

4263 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space,  
4264 farm and agricultural land, or timber land;

4265 4. ~~((Designation in the King County Comprehensive Plan or a functional plan as~~  
4266 ~~within the rural forest focus area and zoned RA with a minimum of fifteen acres of~~  
4267 ~~forested land that is not encumbered through King County's development rights purchase~~  
4268 ~~program;~~

4269 5. Designation in the King County Comprehensive Plan, or a functional plan as  
4270 a proposed rural or resource area regional trail or rural or resource area open space site,  
4271 through either:

4272 a. designation of a specific site; or

4273 b. identification of proposed rural or resource area regional trails or rural or  
4274 resource area open space sites which meet adopted standards and criteria, and for rural or  
4275 resource area open space sites, meet the definition of open space land, as defined in RCW  
4276 84.34.020;

4277           ~~((6-))~~ 5. Identification as habitat for federal listed endangered or threatened  
4278 species in a written determination by the King County department of natural resources  
4279 and parks\*, Washington state Department of Fish and Wildlife, United States Fish and  
4280 Wildlife Services or a federally recognized tribe that the sending site is appropriate for  
4281 preservation or acquisition; or

4282           ~~((7-))~~ 6. Designation in the King County Comprehensive Plan as urban separator  
4283 and zoned R-1.

4284           C. For the purposes of the TDR program, acquisition means obtaining fee simple  
4285 rights in real property, or a less than a fee simple right in a form that preserves in  
4286 perpetuity the public benefit supporting the designation or qualification of the property as  
4287 a sending site.

4288           D. If a sending site has any outstanding code violations, the person responsible  
4289 for code compliance should resolve these violations, including any required abatement,  
4290 restoration, or payment of civil penalties, before a TDR sending site may be qualified by  
4291 the interagency review committee created under K.C.C. 21A.37.070. However, the  
4292 interagency may qualify and certify a TDR sending site with outstanding code violations  
4293 if the person responsible for code compliance has made a good faith effort to resolve the  
4294 violations and the proposal is in the public interest.

4295           E. For lots on which the entire lot or a portion of the lot has been cleared or  
4296 graded in accordance with a Class II, III or IV special forest practice as defined in chapter  
4297 76.09 RCW within the six years prior to application as a TDR sending site, the applicant  
4298 must provide an affidavit of compliance with the reforestation requirements of the Forest  
4299 Practices Act, and any additional reforestation conditions of their forest practice permit.

4300 Lots on which the entire lot or a portion of the lot has been cleared or graded without any  
4301 required forest practices or county authorization, shall be not qualified or certified as a  
4302 TDR sending site for six years unless the six-year moratorium on development  
4303 applications has been lifted or waived or the landowner has a reforestation plan approved  
4304 by the state Department of Natural Resources and King County.

4305 SECTION 67. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030  
4306 are each hereby amended to read as follows:

4307 A. Receiving sites shall be:

4308 1. King County unincorporated urban sites, except as limited in subsection D. of  
4309 this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.

4310 The sites may also be within potential annexation areas established under the countywide  
4311 planning policies; or

4312 2. Cities where new growth is or will be encouraged under the Growth  
4313 Management Act and the countywide planning policies and where facilities and services  
4314 exist or where public investments in facilities and services will be made, or

4315 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that  
4316 meet the criteria listed in this subsection A.3. may receive development rights transferred  
4317 from rural forest focus areas, and accordingly may be subdivided and developed at a  
4318 maximum density of one dwelling per two and one-half acres. Increased density allowed  
4319 through the designation of rural receiving areas:

4320 a. must be eligible to be served by domestic Group A public water service;

4321 b. must be located within one-quarter mile of an existing predominant pattern  
4322 of rural lots smaller than five acres in size;



4323 c. must not adversely impact regionally or locally significant resource areas or  
4324 critical areas;

4325 d. must not require public services and facilities to be extended to create or  
4326 encourage a new pattern of smaller lots;

4327 e. must not be located within rural forest focus areas; and

4328 f. must not be located on Vashon Island or Maury Island.

4329 B. Except as provided in this chapter, development of an unincorporated King  
4330 County receiving site shall remain subject to all zoning code provisions for the base zone,  
4331 except TDR receiving site developments shall comply with dimensional standards of the  
4332 zone with a base density most closely comparable to the total approved density of the  
4333 TDR receiving site development.

4334 C. An unincorporated King County receiving site may accept development rights  
4335 from one or more sending sites, up to the maximum density permitted under K.C.C.  
4336 21A.12.030 and 21A.12.040.

4337 D. Property located within the outer boundaries of the Noise Remedy Areas as  
4338 identified by the Seattle-Tacoma International Airport may not accept development  
4339 rights.

4340 E. Property located within the shorelands, as defined in RCW 90.58.020, or  
4341 located on Vashon Island or Maury Island may not accept development rights.

4342 SECTION 68. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040  
4343 are each hereby amended to read as follows:

4344 A. The number of residential development rights that an unincorporated sending  
4345 site is eligible to send to a receiving site shall be determined by applying the TDR

4346 sending site base density established in subsection D. of this section to the area of the  
4347 sending site, after deducting the area associated with any existing development, any  
4348 retained development rights and any portion of the sending site already in a conservation  
4349 easement or other similar encumbrance (~~((has been deducted))~~). For each existing  
4350 dwelling unit or retained development right, the sending site area shall be reduced by the  
4351 minimum lot size for that zone under K.C.C. 21A.12.030.

4352 B. Any fractions of development rights that result from the calculations in  
4353 subsection A. of this section shall not be included in the final determination of total  
4354 development rights available for transfer.

4355 C. For purposes of calculating the amount of development rights a sending site  
4356 can transfer, the amount of land contained within a sending site shall be determined as  
4357 follows:

4358 1. If the sending site is an entire tax lot, the square footage or acreage shall be  
4359 determined:

4360 a. by the King County department of assessments records; or

4361 b. by a survey funded by the applicant that has been prepared and stamped by a  
4362 surveyor licensed in the state of Washington; and

4363 2. If the sending site consists of a lot that is divided by a zoning boundary, the  
4364 square footage or acreage shall be calculated separately for each zoning classification.

4365 The square footage or acreage within each zoning classification shall be determined by  
4366 the King County record of the action that established the zoning and property lines, such  
4367 as an approved lot line adjustment. When such records are not available or are not  
4368 adequate to determine the square footage or acreage within each zoning classification, the

department of development and environmental services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre (~~for transfer purposes only~~);

2. Sending sites zoned RA-2.5 (~~outside a rural forest focus area~~) shall have a base density (~~consistent with the base density established in the density and dimensions tables in K.C.C. 21A.12.030~~) of one unit for each two and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 (~~within rural forest focus areas~~) shall have a base density of one dwelling unit per five acres (~~for transfer purposes only~~). Vacant sending sites that are zoned RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated one additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

4390           5. Sending sites zoned A-10 and A-35 within the agricultural production district  
4391 shall have a base density of one dwelling unit per five acres for transfer purposes only;  
4392 and

4393           ~~((5-))~~ 6. Sending sites zoned F within the forest production district shall have a  
4394 base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
4395 between fifteen and eighty acres in size ~~((for transfer purposes only))~~.

4396           E. A sending site may send one development right for every legal lot created on  
4397 or before September 17, 2001, if that number is greater than the number of development  
4398 rights determined under subsection A. of this section.

4399           F. The number of development rights that a King County unincorporated rural or  
4400 natural resources land sending site is eligible to send to a King County incorporated  
4401 urban area receiving site shall be determined through the application of a conversion ratio  
4402 established by King County and the incorporated municipal jurisdiction. The conversion  
4403 ratio will be applied to the number of available sending site development rights  
4404 determined under subsection A. or E. of this section.

4405           G. Development rights from one sending site may be allocated to more than one  
4406 receiving site and one receiving site may accept development rights from more than one  
4407 sending site.

4408           H. The determination of the number of residential development rights a sending  
4409 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
4410 shall be documented in a TDR certificate letter of intent and shall be considered a final  
4411 determination, not to be revised due to changes to the sending site's zoning.

4412           I. ~~((The number of residential development rights that a sending site with RA, A~~

4413 ~~or F zoning is eligible to send to an unincorporated urban area receiving site shall be~~  
4414 ~~determined by applying twice the base density allowed for transfer purposes as specified~~  
4415 ~~in subsection D. of this section.))~~ Each residential development right that originates from  
4416 a sending site zoned RA, A or F shall be designated “Rural” and is equivalent to two  
4417 additional units above base density in eligible receiving sites located in unincorporated  
4418 urban King County. Each residential development right that originates from a sending  
4419 site zoned R-1 urban separator shall be designated “Urban” and is equivalent to one  
4420 additional unit above base density.

4421 NEW SECTION. SECTION 69. A new section is hereby added to K.C.C.  
4422 Chapter 21A.37 to read as follows:

4423 An urban receiving site that purchases rural TDRs may include the reduced  
4424 greenhouse gas emissions that are estimated to result from the TDR in calculating the  
4425 receiving site's greenhouse gas emissions.

4426 SECTION 70. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060  
4427 are each hereby amended to read as follows:

4428 A. ~~((Following the))~~ Prior to issuing a certificate for transferable ~~((of))~~  
4429 development rights ~~((from))~~ to a sending site, the department of natural resources and  
4430 parks, or its successor shall record deed restrictions in the form of a conservation  
4431 easement documenting the development rights ~~((transfer shall be recorded by the~~  
4432 ~~department of natural resources and parks, or its successor,))~~ that have been removed  
4433 from the property and shall place a notice ~~((placed))~~ on the title ~~((to))~~ of the sending site  
4434 ~~((parcel)).~~ The department of development and environmental services, or its successor,  
4435 shall establish and maintain an internal tracking system that identifies all certified transfer

4436 of developments rights sending sites.

4437           B. A conservation easement granted to the county or other appropriate land  
4438 management agency shall be required for land contained in the sending site. The  
4439 conservation easement shall be documented by a map. The conservation easement shall  
4440 be placed on the entire lot or lots. The conservation easement shall identify limitations in  
4441 perpetuity on future residential and nonresidential development consistent with this  
4442 chapter, ~~((and))~~ as follows:

4443           1. A conservation easement, which contains the easement map, shall be  
4444 recorded on the entire sending site to indicate development limitations on the sending  
4445 site;

4446           2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
4447 consistent in form and substance with the purchase agreements used in the agricultural  
4448 land development rights purchase program. The conservation easement shall preclude  
4449 subdivision of the subject property but may permit not more than one dwelling per  
4450 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

4451           3. ~~((For a sending site located within a rural forest focus area, the sending site~~  
4452 ~~shall be a minimum of twenty acres. The conservation easement shall require that fifteen~~  
4453 ~~acres of contiguous forest land be restricted to forest management activities and shall~~  
4454 ~~include a forest stewardship plan approved by the county for ongoing forest management~~  
4455 ~~practices. The Forest Stewardship Plan shall meet the requirements of King County~~  
4456 ~~administrative rules concerning forest stewardship plans and shall not impose standards~~  
4457 ~~that exceed Title 222 WAC. No more than one dwelling unit is allowed for every twenty~~  
4458 ~~acres;~~

4459           4.)) For a rural sending site (~~(located outside a rural forest focus area)~~) the  
4460 conservation easement shall allow for restoration, maintenance or enhancement of native  
4461 vegetation. A present conditions report shall be required to document the location of  
4462 existing structures and existing native vegetation and the baseline conservation values of  
4463 protected property at the time the conservation easement is put in place. If residential  
4464 development will be allowed on the site under the conservation easement, the present  
4465 conditions report shall be used to guide the location of residential development;

4466           ~~((5.))~~ 4. For a sending site qualifying as habitat for federal listed endangered or  
4467 threatened species, the conservation easement shall protect habitat and allow for  
4468 restoration, maintenance or enhancement of native vegetation. A present conditions  
4469 report shall be required to document the location of existing structures. If existing or  
4470 future residential development will be allowed on the site under the conservation  
4471 easement, the present conditions report shall be used by the owner to guide the location  
4472 of residential development; and

4473           ~~((6.))~~ 5. For a sending site zoned F, the conservation easement shall encumber  
4474 the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible  
4475 to participate in the TDR program if they include any existing dwelling units intended to  
4476 be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres  
4477 and eighty acres in size, the sending site must include the entire lot. For lots greater than  
4478 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
4479 conservation easement shall permit forestry uses subject to a forest stewardship plan  
4480 prepared by the applicant and approved by the county for ongoing forest management  
4481 practices. The Forest Stewardship Plan shall include a description of the site's forest

resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 71. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the County, ~~((F))~~the sending site owner may ~~((then))~~ market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR certificate letter of intent may be transferred to the new owner if requested in writing to the department of natural resources by the person or persons that owned the property when the TDR certificate letter of intent was issued, provided that the documents evidencing the transfer of ownership are also provided to the department of natural resources;

2. In applying for receiving site approval, the applicant shall provide the department of development and environmental services with one of the following:

a. a TDR certificate letter of intent issued in the name of the applicant,



4505                   b. a TDR certificate letter of intent issued in the name of another person or  
4506 persons and a copy of a signed option to purchase those TDR sending site development  
4507 rights,  
4508                   c. a TDR certificate issued in the name of the applicant, or  
4509                   d. a TDR certificate issued in the name of another person or persons and a  
4510 copy of a signed option to purchase those TDR sending site development rights;  
4511                   3. Following building permit approval, but before building permit issuance by  
4512 the department of development and environmental services or following preliminary plat  
4513 approval or preliminary short plat approval, but before final plat or short plat recording of  
4514 a receiving site development proposal which includes the use of TDR development  
4515 rights, the receiving site applicant shall deliver the TDR certificate issued in the  
4516 applicant's name for the number of TDR development rights being used and the TDR  
4517 extinguishment document to the county;  
4518                   4. When the receiving site development proposal requires a public hearing  
4519 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as  
4520 the hearing on the TDR proposal. The reviewing authority shall make a consolidated  
4521 decision on the proposed development and use of TDR development rights and consider  
4522 any appeals of the TDR proposal under the same appeal procedures set forth for the  
4523 development proposal; and  
4524                   5. When the development proposal does not require a public hearing under this  
4525 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
4526 development proposal, and any appeals of the TDR proposal shall be considered under  
4527 the same appeal procedures set forth for the development proposal.

4528           6. Development rights from a sending site shall be considered transferred to a  
4529 receiving site when a final decision is made on the TDR receiving area development  
4530 proposal, the sending site is permanently protected by a completed and recorded land  
4531 dedication or conservation easement, notification has been provided to the King County  
4532 assessor's office and a TDR extinguishment document has been provided to the  
4533 department of natural resources and parks, or its successor agency.

4534           B. TDR development rights where the proposed receiving site would be within an  
4535 incorporated King County municipal jurisdiction shall be reviewed and transferred using  
4536 that jurisdiction's development application review process.

4537           SECTION 72. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
4538 are each hereby amended to read as follows:

4539           The purpose of the TDR bank is to assist in the implementation of the transfer of  
4540 development rights (TDR) program by purchasing and selling development rights, ~~((and))~~  
4541 purchasing conservation easements, and facilitating interlocal TDR agreements with  
4542 cities in King County through the provision of amenity funds. The TDR bank may  
4543 acquire development rights and conservation easements only from sending sites located  
4544 in the rural area or in an agricultural or forest production district as designated in the  
4545 King County Comprehensive Plan. Development rights purchased from the TDR bank  
4546 may only be used for receiving sites in cities or in the urban unincorporated area as  
4547 designated in the King County Comprehensive Plan.

4548           SECTION 73. Ordinance 13733, Section 10, as amended, and K.C.C.  
4549 21A.37.110 are each hereby amended to read as follows:

4550           Transfer of development rights (TDR) bank expenditure and purchase  
4551 authorization.

4552           A. The TDR bank may purchase development rights from qualified sending sites  
4553 at prices not to exceed fair market value and to sell development rights at prices not less  
4554 than fair market value. The TDR bank may accept donations of development rights from  
4555 qualified TDR sending sites.

4556           B. The TDR bank may purchase a conservation easement only if the property  
4557 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
4558 certificate letter of intent, the conservation easement restricts development of the sending  
4559 site in the manner required by K.C.C. 21A.37.060 and the development rights generated  
4560 by encumbering the sending site with the conservation easement are issued to the TDR  
4561 bank at no additional cost.

4562           C. If a conservation easement is acquired through a county park, open space,  
4563 trail, agricultural, forestry or other natural resource acquisition program for a property  
4564 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,  
4565 any development rights generated by encumbering the sending site with the conservation  
4566 easement may be issued to the TDR bank so long as there is no additional cost for the  
4567 development rights.

4568           D. The TDR bank may use funds to facilitate development rights transfers.  
4569 These expenditures may include, but are not limited to, establishing and maintaining  
4570 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
4571 and reimbursing the costs incurred by the department of natural resources and parks,

water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund (~~((shall not))~~) may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, (~~((or))~~) and the costs of providing staff support for the TDR interagency review committee (~~((or the department of natural resources and parks))~~).

F. All proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights upon approval of the TDR executive board.

SECTION 74. Ordinance 10870, Section 581 and K.C.C. 21A.38.080 are each hereby amended to read as follows:

Implementation of the UPD designation shall comply with the following:

A. The minimum site size for an UPD permit application shall be not less than (~~((200))~~) one hundred acres. "Site size" for purposes of this subsection means contiguous land under one ownership or under the control of a single legal entity responsible for submitting an UPD permit application and for carrying out all provisions of the development agreement; and

B. The UPD shall comply with the standards and procedures set out in Chapter 21A.39.

SECTION 75. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090 are each hereby amended to read as follows:

4593           A. The purpose of the economic redevelopment special district overlay is to  
4594 provide incentives for the redevelopment of large existing, underutilized concentrations  
4595 of commercial/industrial lands within urban areas.

4596           B. The economic redevelopment special district overlay shall only be designated  
4597 through the area zoning process; located in areas designated within a community, subarea  
4598 or neighborhood plan as an activity center; and zoned CB, RB, O, or I.

4599           C. The standards of this title and other county codes shall be applicable to  
4600 development within the economic redevelopment special district overlay except as  
4601 follows:

4602           1. Commercial or industrial uses that exist within an area as of the effective date  
4603 of legislation applying the economic redevelopment special district overlay, but that are  
4604 not otherwise permitted by the zoning, shall be considered permitted uses upon only the  
4605 lots that they occupied as of that date.

4606           2. The minimum parking requirements of this title shall be reduced as follows(~~(,~~  
4607 ~~provided that such reductions do not apply to new construction on vacant property or the~~  
4608 ~~vacant portions of partially developed property where that construction is not an~~  
4609 ~~enlargement or replacement of an existing building))):~~

4610           a. The parking stall requirements are reduced 100 percent provided that:

4611           (1) the square footage of any enlargement or replacement of an existing  
4612 building does not in total exceed 125 percent of the square footage of the existing  
4613 building;

4614           (2) any new mixed use development provides a minimum of two stories of  
4615 residences above the ground-floor level commercial;

4616           (3) the building fronts on an existing roadway improved to urban standards or  
4617 a roadway programmed to be improved to urban standards as a capital improvement  
4618 project, that accommodates on-street parking; and

4619           ~~((3))~~ (4) there is no net decrease in existing off-street parking space.

4620           b. the parking stall requirements for commercial and retail uses are reduced 50  
4621 percent ~~((provided that))~~ if:

4622           (1) the square footage of any enlargement or replacement of an existing  
4623 building in total exceeds 125 percent of the square footage of the existing building;

4624           (2) the height of the enlarged or replacement building does not exceed the  
4625 base height of the zone in which it is located;

4626           (3) the building fronts on an existing roadway improved to urban standards or  
4627 a roadway programmed to be improved as a capital improvement project, that  
4628 accommodates on-street parking; and

4629           (4) there is no net decrease in existing off-street parking spaces, unless it  
4630 exceeds the minimum requirements of subsection C.2.b.

4631           3. ~~((The landscaping requirements of this title shall be waived, provided that:~~

4632           a. ~~street trees, installed and maintained by the adjacent property owner, shall~~  
4633 ~~be substituted in lieu of landscaping; and~~

4634           b. ~~any portion of the overlay district that directly abuts properties outside of~~  
4635 ~~the district shall provide, along said portions, a landscape buffer area no less than 50~~  
4636 ~~percent of that required by this title.~~

4637           4. ~~The setback requirements of this title shall be waived, provided that:~~

4638           a. ~~setback widths along any street forming a boundary of the overlay district~~  
4639 ~~shall comply with this title, and~~

4640           b. ~~any portion of the overlay district that directly abuts properties outside of~~  
4641 ~~the district shall provide, along said portions, a setback no less than 50 percent of that~~  
4642 ~~required by this title.~~

4643           5.)) The building height limits of this title shall be waived, provided that the  
4644 height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

4645           ((6.)) (4) Signage shall be limited to that allowed within the CB zone.

4646           ((7.)) (5) The roadway improvements of the King County code shall be waived,  
4647 provided a no-protest agreement to participate in future road improvement districts (RID)  
4648 is signed by an applicant and recorded with the county.

4649           ((8. ~~The pedestrian circulation requirements of this title shall be waived.~~

4650           9. ~~The impervious surface and lot coverage requirements of this title shall be~~  
4651 ~~waived.~~

4652           10.)) (6) On I zoned lands that are designated in the comprehensive plan as  
4653 unincorporated activity centers, conditional use permits shall not be issued where the  
4654 resulting impacts such as noise, smoke, odor and glare would be inconsistent with the  
4655 maintenance of nearby viable commercial and residential areas.

4656           D. For properties that have frontage on pedestrian street(s) or routes as  
4657 designated in an applicable plan or area zoning process, the following conditions shall  
4658 apply:

4659 1. main building entrances shall be oriented to the pedestrian street. If multiple  
4660 pedestrian streets front on the building, each pedestrian street shall have a similar main  
4661 building entrance;

4662 2. at the ground floor (at grade), buildings shall be located no more than 5 feet  
4663 from the sidewalk or sidewalk improvement, but in no instance shall encroach on the  
4664 public right-of-way;

4665 3. building facades shall comprise at least 75% of the total pedestrian street  
4666 frontage for a property, and if applicable, at least 75% of the total pedestrian route  
4667 frontage for a property;

4668 4. minimum side setbacks of the underlying zoning are waived;

4669 5. building facades of ground floor retail, general business service, and  
4670 professional office land uses, that front onto a pedestrian street or route shall include  
4671 windows and overhead protection;

4672 6. building facades, along a pedestrian street or route, that are without  
4673 ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are  
4674 not permitted; and

4675 7. vehicle access shall be limited to the rear access alley or rear access street  
4676 where such an alley or street exists.

4677 SECTION 76. Ordinance. 14045, Section 37, as amended, and K.C.C.

4678 21A.14.360 are each hereby amended to read as follows:

4679 A. The county may accept the voluntary grant of an easement for a rural  
4680 equestrian community trails [trail] consistent with K.C.C. 21A.14.350 through  
4681 21A.14.390 from any development when such development contains any existing



historically established rural equestrian community trail, and when located in the RA, A or F zones (~~and within an equestrian community designated by the King County Comprehensive Plan~~). The residents or tenants of the development shall be provided access to any such trail provided hereunder for use consistent with the function of the trail. The area of any such trail provided hereunder shall be counted as part of the site for purposes of density and floor area calculations. The application of this section shall not reduce the allowed density within a residential subdivision or short subdivision. The county may also accept the voluntary grant of an easement for a rural equestrian community trail consistent with K.C.C. 21A.14.350 through 21A.14.390 when there is no development proposed for the property.

B The rural equestrian community trails provisions apply to any property located in the RA, A or F zones (~~and within an equestrian community designated by the King County Comprehensive Plan~~).

4. Development proposals for government/business service uses denoted in the permitted use table in K.C.C. 21A.08.060.

SECTION 77. Ordinance. 14259, Section 10 and K.C.C. 21A.14.365 are each hereby amended to read as follows:

A. The department shall notify every applicant for a plat, short plat, boundary line adjustment, clearing and grading permit, conditional use permit, building permit for new construction or additions to existing structures, or zone reclassification in the RA, A or F zones (~~and within an equestrian community designated by the King County Comprehensive Plan~~) on the opportunity to voluntarily grant an easement for a rural equestrian community trail in accordance with Ordinance 14259.

4705 B. The department shall notify the department of natural resources and parks of  
4706 every application for a plat, short plat, boundary line adjustment, clearing and grading  
4707 permit, conditional use permit, building permit for new construction or additions to  
4708 existing structures, or zone reclassification in the RA, A or F zones (~~and within an~~  
4709 ~~equestrian community designated by the King County Comprehensive Plan~~)).

4710 SECTION 78. Ordinance. 14045, Section 38, as amended, and K.C.C.  
4711 21A.14.370 are each hereby amended to read as follows:

4712 The county shall accept a voluntary grant of easement for the preservation or  
4713 relocation of a rural equestrian community trail in the RA, A or F zone (~~within the~~  
4714 ~~Equestrian Community area designated in the King County Comprehensive Plan~~))  
4715 whenever:

4716 A. The department makes a determination in writing that:

4717 1. The equestrian community trail is listed or mapped on an inventory of  
4718 equestrian community trails maintained by the King County parks and recreation  
4719 department. The department shall field verify the presence of a trail where an inventory  
4720 indicates the general location of a trail that has not yet been field verified:

4721 2. The equestrian community trail connects to a state, county or other trail open  
4722 to the public;

4723 3. The equestrian community trail, following a site inspection by the department  
4724 of natural resources and parks, is reasonably fit for use as a rural equestrian community  
4725 trail;

4. If the equestrian community trail traverses or impacts an environmentally sensitive area, it can be modified to meet code requirements for trails in sensitive areas; and

5. Permanent protection or relocation of an equestrian community trail can be accomplished without interference with allowed uses and development of the subject property, and the site can be developed without interference with the trail and allows for future owners of the property to access historically existing or public trails in the vicinity of the site.

B. If the trail is proposed to be granted as part of a mitigation package for a development proposal, the department of development and environmental services determines and reports to the department of natural resources that permanent protection or relocation of an equestrian community trail can be accomplished without interference with the proposed use and development of the subject property, and the site can be developed without interference with the trail and in a manner that allows future owners of the property to access historically existing or public trails in the vicinity that are linked to the subject site. The department of development and environmental services shall report its findings in writing.

SECTION 79. Ordinance. 14045, Section 39, as amended, and K.C.C. 21A.14.380 are each hereby amended to read as follows:

**21A.14.380 Rural equestrian community trails – location and design standards.** The following design standards apply to rural equestrian community trails provided pursuant to this chapter located within the RA, A or F zones (~~and within the equestrian community designated by the King County Comprehensive Plan~~)).

4749           A. An on-site rural equestrian community trail should be retained at its existing  
4750 location unless that location impairs the use of the property as intended by the applicant.  
4751 A rural equestrian trail retained in the existing location shall not require any upgrades or  
4752 improvements, except for maintenance required by this section. The trail may be  
4753 relocated to a location within the street right-of-way or to another corridor separate from  
4754 a street right-of-way, provided that whatever alternative is used preserves the same  
4755 connections as the original trail to an existing public park or trail in the vicinity of the  
4756 subject property. The preferred place for a relocated trail is out of the right-of-way or  
4757 separated from the paved surface and road shoulder by a berm, ditch or other separation.  
4758 Trails may only be relocated to a street right-of-way when meeting the standards in  
4759 subsection E of this section. A tax credit pursuant to the Public Benefit Rating System  
4760 may only be given for trails relocated off the road right-of-way. The trail location shall  
4761 be preserved by appropriate easements or dedications.

4762           B. Corridors for trails located outside a street right-of-way shall be ten feet wide,  
4763 or six feet wide if the trail will be located along a property line and additional corridor  
4764 space can reasonably be expected to be preserved on the abutting property and the  
4765 corridor is not encumbered by any structures adjacent to the corridor.

4766           C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural  
4767 equestrian community trail may be located in a designated sensitive area buffer.

4768           D. Rural equestrian community trails that are not located within street rights-of-  
4769 way, should be natural, visually and functionally unobtrusive, and as low-impact as  
4770 possible.

4771 E. Relocated or new rural equestrian community trails within public or private  
 4772 road rights-of-way shall be designed consistent with adopted King County Road  
 4773 Standards (KCRS, Section 3.11), as supplemented by the following standards:

4774 1. The trail shall be located to provide access to a local equestrian travel  
 4775 corridor through the project site and adjacent properties, as determined by the King  
 4776 County department of transportation in cooperation with the local equestrian community.

4777 2. The preferred design is a trail separated from the paved roadway by a berm,  
 4778 ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least  
 4779 eight feet of horizontal distance from the paved roadway edge.

4780 3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-  
 4781 wide roadway shoulder path shall be installed on all roads other than local access streets,  
 4782 where a forty-eight inches shoulder path shall be sufficient.

4783 4. All trails shall have an all-weather tread of thirty-six to forty-eight inches.

4784 5. The roadway shall include appropriate surface treatment to reduce slippage at  
 4785 roadway/trail crossings.

4786 6. Appropriate signs shall be provided to indicate the location of street crossings  
 4787 for trails, with emphasis on arterials and subcollector street.

4788 F. Relocated or new rural equestrian community trails not located in a right-of-  
 4789 way shall be designed to the King County Road Standards, KCRS, Section 3.11.A.2.

4790 SECTION 80. Ordinance. 10870, Section 333, as amended and K.C.C.

4791 21A.08.060 are each hereby amended to read as follows:

4792 A. Government/business services land uses.

KEY		RESOURCE			RESIDENTIAL					COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z O N	A	F	M	R	U	R	E	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D	U
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S	S

		E	U L T I M E	T	A L		V E		E N T I A L	B O R H O O D	E S S N I T Y	E S S N A L	E S S	E	T R I A L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)		
GOVERNMENT SERVICES:															
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16		
*	Public agency or utility yard				P27	P27	P27	P27			P		P		
*	Public agency archives										P	P	P		
921	Court									P4	P	P			
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P		
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P		
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P		
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35		
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8		
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P		
BUSINESS SERVICES:															
*	Construction and Trade				P34						P	P9	P		
*	Individual Transportation and Taxi									P25	P	P10	P		
421	Trucking and Courier Service									P11	P12	P13	P		
*	Warehousing, (1) and Wholesale Trade												P		
*	Self-service Storage							C14	P37	P	P	P	P		
4221 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36			P15 and 33 C36	P15, C36							P		
*	Log Storage	P15	P		P26 and 33								P		
47	Transportation Service												P		
473	Freight and Cargo Service										P	P	P		
472	Passenger Transportation Service									P	P	P			
48	Communication Offices										P	P	P		
482	Telegraph and other Communications									P	P	P	P		
*	General Business Service								P	P	P	P	P16		
*	Professional Office								P	P	P	P	P16		
7312	Outdoor Advertising Service										P	P17	P		
735	Miscellaneous Equipment Rental									P17	P	P17	P		
751	Automotive Rental and Leasing									P	P		P		
752	Automotive Parking								P20	P20	P21	P20	P		
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32		
7941	Professional Sport Teams/Promoters										P	P			
873	Research, Development and Testing										P2	P2	P2		
*	Heavy Equipment and Truck Repair												P		
ACCESSORY USES:															
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P		
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24		
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.															

4793

## B. Development conditions.

4794 1. Except self-service storage.

4795 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

4796 Educational Research, see general business service/office.

4797 3.a. Only as a re-use of a public school facility or a surplus nonresidential

4798 facility subject to the provisions of K.C.C. chapter 21A.32; or

4799 b. only when accessory to a fire facility and the office is no greater than one

4800 thousand five hundred square feet of floor area.

4801 4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter

4802 21A.32.

4803 5. New utility office locations only if there is no commercial/industrial zoning

4804 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that

4805 no feasible alternative location is possible, and provided further that this condition

4806 applies to the UR zone only if the property is located within a designated unincorporated

4807 Rural Town.

4808 6.a. All buildings and structures shall maintain a minimum distance of twenty

4809 feet from property lines adjoining residential zones;

4810 b. Any buildings from which fire-fighting equipment emerges onto a street

4811 shall maintain a distance of thirty-five feet from such street;

4812 c. No outdoor storage; and

4813 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no

4814 feasible alternative location is possible.

4815 7. Limited to storefront police offices. Such offices shall not have:

4816 a. holding cells,

4817           b. suspect interview rooms (except in the NB zone), or  
4818           c. long-term storage of stolen properties.

4819           8. Private stormwater management facilities serving development proposals  
4820 located on commercial/industrial zoned lands shall also be located on  
4821 commercial/industrial lands, unless participating in an approved shared facility drainage  
4822 plan. Such facilities serving development within an area designated urban in the King  
4823 County Comprehensive Plan shall only be located in the urban area.

4824           9. No outdoor storage of materials.

4825           10. Limited to office uses.

4826           11. Limited to self-service household moving truck or trailer rental accessory to  
4827 a gasoline service station.

4828           12. Limited to self-service household moving truck or trailer rental accessory to  
4829 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

4830           13. Limited to SIC Industry No. 4215-Courier Services, except by air.

4831           14. Accessory to an apartment development of at least twelve units provided:  
4832           a. The gross floor area in self service storage shall not exceed the total gross  
4833 floor area of the apartment dwellings on the site;

4834           b. All outdoor lights shall be deflected, shaded and focused away from all  
4835 adjoining property;

4836           c. The use of the facility shall be limited to dead storage of household goods;

4837           d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
4838 similar equipment;



4839 e. No outdoor storage or storage of flammable liquids, highly combustible or  
4840 explosive materials or hazardous chemicals;

4841 f. No residential occupancy of the storage units;

4842 g. No business activity other than the rental of storage units; and

4843 h. A resident director shall be required on the site and shall be responsible for  
4844 maintaining the operation of the facility in conformance with the conditions of approval.

4845 15.a. The floor area devoted to warehousing, refrigeration or storage shall not  
4846 exceed two thousand square feet;

4847 b. Structures and areas used for warehousing, refrigeration and storage shall  
4848 maintain a minimum distance of seventy-five feet from property lines adjoining  
4849 residential zones; and

4850 c. Warehousing, refrigeration and storage is limited to agricultural products  
4851 and sixty percent or more of the products must be grown or processed in the Puget Sound  
4852 counties. At the time of the initial application, the applicant shall submit a projection of  
4853 the source of products to be included in the warehousing, refrigeration or storage.

4854 16. Only as an accessory use to another permitted use.

4855 17. No outdoor storage.

4856 18. Only as an accessory use to a public agency or utility yard, or to a transfer  
4857 station.

4858 19. Limited to new commuter parking lots designed for thirty or fewer parking  
4859 spaces or commuter parking lots located on existing parking lots for churches, schools, or  
4860 other permitted nonresidential uses that have excess capacity available during

4861 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
4862 has been improved to a standard acceptable to the department of transportation;

4863           20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

4864           21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
4865 vehicles.

4866           22. Storage limited to accessory storage of commodities sold at retail on the  
4867 premises or materials used in the fabrication of commodities sold on the premises.

4868           23. Limited to emergency medical evacuation sites in conjunction with police,  
4869 fire or health service facility. Helistops are prohibited from the UR zone only if the  
4870 property is located within a designated unincorporated Rural Town.

4871           24. Allowed as accessory to an allowed use.

4872           25. Limited to private road ambulance services with no outside storage of  
4873 vehicles.

4874           26. Limited to two acres or less.

4875           27a. Utility yards only on sites with utility district offices; or

4876           b. Public agency yards are limited to material storage for road maintenance  
4877 facilities.

4878           28. Limited to bulk gas storage tanks that pipe to individual residences but  
4879 excluding liquefied natural gas storage tanks.

4880           29. Excluding bulk gas storage tanks.

4881           30. For I-zoned sites located outside the urban growth area designated by the  
4882 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
4883 industrial uses in K.C.C. chapter 21A.12.

4884           31. Vactor waste treatment, storage and disposal shall be limited to liquid  
4885 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
4886 in tanks (or other covered structures), as well as enclosed buildings.

4887           32. Provided:

4888           a. Off-street required parking for a land use located in the urban area must be  
4889 located in the urban area;

4890           b. Off-street required parking for a land use located in the rural area must be  
4891 located in the rural area; and

4892           c. Off-street required parking must be located on a lot that would permit, either  
4893 outright or through a land use permit approval process, the land use the off-street parking  
4894 will serve.

4895           33. Subject to review and approval of conditions to comply with trail corridor  
4896 provisions of K.C.C. chapter 21A.14 when located in an RA zone (~~and in an equestrian~~  
4897 ~~community designated by the Comprehensive Plan~~)).

4898           34. Limited to landscape and horticultural services (SIC 078) that are accessory  
4899 to a use classified as retail nurseries, lawn and garden supply store (SIC 5261) and  
4900 provided that construction equipment for the accessory use shall not be stored on the  
4901 premises.

4902           35. Allowed as a primary or accessory use to an allowed industrial-zoned land  
4903 use.

4904           36. Accessory to agricultural uses provided:

4905           a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor  
4906 area devoted to warehousing, refrigeration or storage shall not exceed three thousand five

hundred square feet unless located in a farm structure, including but not limited to barns, existing as of December 31, 2003;

b. On lots at least thirty-five acres in the A zones, the floor area devoted to warehousing, refrigeration or storage shall not exceed seven thousand square feet unless located in a farm structure, including but not limited to barns, existing as of December 31, 2003;

c. In the A zones, structures and areas used for warehousing, refrigeration and storage shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils;

d. Structures and areas used for warehousing, refrigeration or storage shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones; and

e. Warehousing, refrigeration and storage is limited to agricultural products and sixty percent or more of the products must be grown or processed in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be included in the warehousing, refrigeration or storage.

37. Use shall be limited to the NB zone on parcels outside of the Urban Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such use shall not exceed ten thousand square feet.

SECTION 81. Pursuant to K.C.C. 20.44.080, the metropolitan King County council finds that the requirements for environmental analysis, protections and mitigation

4930 measures in the chapters of K.C.C. Titles 16 and 21A amended by this ordinance, provide  
4931 adequate analysis of and mitigation for the specific adverse environmental impacts to  
4932 which the requirements apply.

4933 SECTION 82. If any provision of this ordinance or its application to any person  
4934 or circumstance is held invalid, the remainder of the ordinance or the application of the  
4935 provision to other persons or circumstances is not affected.

**Attachments** A. King County Critical Aquifer Recharge Areas map, dated June 9,  
4936 2008

4937 **EFFECT:** committee changes are:

4938 Page 13, line 192, and page 152, line 2762: corrects the name of the referenced  
4939 guidelines;

4940 Page 28, lines 532 through 533: clarification to ensure that the sale or transfer of illegal  
4941 lots could be enforced through civil procedures;

4942 Page 34, line 615: replaces "and for" with "including" to clarify that agriculture includes  
4943 raising livestock;

4944 Page 47, lines 870 through 871: removes reference to equestrian communities for  
4945 mapping purposes as there are no longer any designated equestrian communities;

4946 Page 62, lines 1152 through 1153: removes reference to equestrian communities for  
4947 mapping purposes as there are no longer any designated equestrian communities;

4948 Page 98, table for Section 27: replaces condition 1 for 18 and 17 for 15;

4949 Page 99, lines 1754 through 1755: adds new condition 1 regarding density not allowed in  
4950 PAA;

4951 Page 101, line 1801: adds modifier "well served by transit" as condition for allowed  
4952 density;

4953 Page 101, line 1804: clarifies that condition density on RB zoned parcel within PAA  
4954 prohibited;

4955 Page 101, lines 1806 through 1807: clarifies that condition density on RB zoned parcel  
4956 within PAA prohibited;

4957 Page 135, table to Section 41: deletes activity "Construction of new stream bank or  
4958 channel stabilization and maintenance of existing stream bank or channel stabilization";

4959 Page 141, line 2507: adds "native wetland" modifier;

4960 Page 143, line 2557: corrects code reference;

4961 Page 1456, line 2596: adds new condition "f";

4962 Page 150, lines 2703 through 2705: adds "severe channel migration hazard area" to  
4963 subpart e and deletes subpart f;

4964 Page 150, line 2717: replaces phrase "portion of" with the word "or";

4965 Page 151, lines 2724 through 2726: adds new subpart b;

4966 Page 151, line 2729 and 2741: clerical to place "or" in correct line;

4967 Page 152, lines 2742 through 2751: adds new subpart 4, which allows protection of  
4968 accessory residential dwellings from erosion;

4969 Page 152, lines 2753: allows private entities to protect structures;

4970 Page 152, lines 2755 through 2756, and line 2759: provides for new flood protection  
4971 facilities to also enhance aquatic area habitat and process;

4972 Page 152, lines 2755 through 6 and 2759: changes to condition when alterations allowed;

4973 Page 160, lines 2920 through 2924: adds condition 4 through 6;

4974 Page 161, lines 2944 through 2946: broadens disability definition;  
4975 Page 184, line 3470: new CARA map reference;  
4976 Page 198, line 3673 through 3674: removes rural stewardship requirement;  
4977 Page 198, line 3680: this provision is replaced and amended by new text starting on line  
4978 3752;  
4979 Page 200, line 3717, and page 208, lines 3866 through 3867: corrects ordinance reference  
4980 to which Basin and Shoreline Conditions Map is attached;  
4981 Page 218, line 4100: clarifies that monitoring and evaluation is of the chapter, not just the  
4982 ordinance adopting the latest CAO;  
4983 Page 235, density bonus table: removes manufactured homes for item 7;  
4984 Page 238, lines 4265 through 4268: this provision is no longer necessary because all RA  
4985 zoned property will get similar benefits as the RFFA property does under the current  
4986 code;  
4987 Page 244, line 4395: removes redundant phrase;  
4988 Page 245, line 4431 through 4433: Clarification of what must be documented;  
4989 Page 246, line 4451 through page 247 line 4459: All RA zoned property is being treated  
4990 the same. The provisions relating to the RFFA are unnecessary;  
4991 Page 247, line 4462 through 4463: makes it clear the “baseline conditions” must be  
4992 referenced in the conservation easement;  
4993 Page 256, new section 76 at line 4677;  
4994 Page 257, lines 4683 through 4684 and 4693 through 4694: eliminates reference to  
4995 equestrian communities;

4996 Page 257, new section 77 at line 4697 and lines 4702 through 4703: eliminates reference  
4997 to equestrian communities;  
4998 Page 258, lines 4708 through 4709: eliminates reference to equestrian communities;  
4999 Page 258 new section 78 at line 4710 and lines 4714 through 4715: eliminates reference  
5000 to equestrian communities;  
5001 Page 259 new section 79 at line 4743 and lines 4747 through 4748: eliminates reference  
5002 to equestrian communities;  
5003 Page 261 new section 80 at line 4790 and lines 4896 through 4897: eliminates reference  
5004 to equestrian communities;  
5005 Page 268, line 4928 renumber section;  
5006 Page 269, line 4933 renumber section; and  
5007 Page 269lines 4935: references new CARA map attached.  
5008